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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF

KANSAS TERRITORY,

BEGUN AT THE CITY OF LECOMPTON, JAN. 2,

1860.

PUBLISHED BY AUTHORITY.

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HOUSE JOURNAL.

LECOMPTON, K. T.,
MONDAY, JAN. 2d, A. D. 1860.

This day being designated, by the Laws of Kansas, for the meeting of the Legislative Assembly, it being the sixth session of the Territory,

The House was called to order by B. P. Ayres of Linn County, the Chief Clerk of the last House.

The following gentlemen appeared as their names were called, and were duly sworn in as Members of the House:

1st District, CALEB B. WHITEHEAD, THOMAS VANDERSLICE, and HUGH ROBERTSON.

2nd District, F. LOMBARD, WILLIAM NOEL and P[illegible]HAL S. PARKS.

3rd District, FREDERICK BROWN, JOHN WRIGHT and JOHN C. MURPHY.

4th District, T. A. BLAKE and EDWARD LYNDE.

5th District, MASA BARTLETT.

6th District, BYRON STEWARD.

7th District, WILLIAM L. M MATH.

8th District, R. H. DUTTON.

9th District, MARTIN CAVE.

10th District, J. S. MAGILL.

11th District, DANIEL L. CHANDLER.

12th District, ROBERT REYNOLDS.

13th District, STEPHEN G. ELLIOTT.

14th District, WILLIAM H. FITZPATRICK and S. R. CANNIFF.

15th District, PAUL R. BROOKS, WM. A. RANKIN and ERASTUS HEATH.

16th District, CHAS. SIMS and L. S. CORNWELL.
17th District, GUSTAVUS A. COLTON.
18th District, J. H. JONES.
20th District, THOMAS LINDSAY.
21st District, HENRY SHIVELY.
22nd District, GEORGE W. NELSON.
23rd District, S. N. WOOD.
24th District, P. G. D. MORTON.
25th District, JOHN W. SCOTT.
26th District, HORATIO KNOWLES.
27th District, R. SOPRIS.

On motion, Mr. Edward Lynde was elected Speaker *pro tem.*, and

M. W. Delahay was elected Clerk *pro tem.*

The Secretary of the Territory then administered the oath of office to the Members present.

On motion of Mr. S. N. Wood, of Chase, the House proceeded to elect a Speaker, *viva voce*.

Gustavus A. Colton, of Lykins County, and P. S. Parks, of Leavenworth County, were nominated.

Mr. G. A. Colton, having received a majority of all the votes cast, was declared duly elected Speaker of the House.

The House then proceeded to elect a Chief Clerk.

M. W. Delehay received twenty votes.

E. S. Post received eleven votes.

M. W. Delehay, having received a majority of all the votes cast, was declared duly elected Clerk of the House.

The House then proceed to elect an Assistant Clerk, with the following result:

A. J. Chipman received twenty votes.

C. R. Deming received eleven votes.

A. J. Chipman, having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House.

The House then proceeded to the election of Sergeant-at-Arms, with the following result:

G. F. Warren received eighteen votes.

A. G. Patrick received twelve votes.

G. F. Warren, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the House.

The House then proceeded to the election of a Door-Keeper with the following result:

Francis House received eighteen votes.

J. R. Thompson received eleven votes.

Francis House, having received a majority of all the votes cast was declared duly elected Door-Keeper of the House.

The House then proceeded to the election of Docket Clerks with the following result:

John W. Day received twenty votes.

M. Hubbard received eleven votes.

John W. Day, having received a majority of all the votes cast, was declared duly elected Docket Clerk of the House.

The House then proceeded to the election of an Engrossing Clerk, with the following result:

J. L. Wilson received twenty votes.

J. E. Ross received eleven votes.

J. L. Wilson, having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the House.

The House then proceeded to the election of Enrolling Clerk, with the following result:

Andrew Stark received twenty votes.

William McCarty received ten votes.

Andrew Stark, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the House.

The House then proceeded to the election of Journal Clerk, with the following result:

H. C. Chase received twenty votes.

Wm. Roy received ten votes.

H. C. Chase, having recieved a majority of all the votes cast, was declared duly elected Journal Clerk of the House.

The officers then came forward, the oath of office having been administered by the Secretary of the Territory, and entered upon the discharge of their duties.

Mr. Parks offered the following resolution:

Resolved. That the Clerk of the House inform the Council that the House has organized, by electing Hon. G. A. Colton Speaker, and M. W. Delahay, Chief Clerk; and that the House is now ready to proceed to business. Also, that a Committee of three be appointed by the Chair, to act with a similar Committee of the Council, to inform the Hon. Governor Medary of the organization of the House, and that we are ready to receive any communication he may wish to make.

The resolution was adopted.

The Chair appointed the following gentlemen as such Committee: Mr. Heath, Mr. Parks and Mr. Scott.

Mr. McMath, offered the following Resolution:

Resolved, That the Rules for the Government of the Legislative Assembly at the last Session, be adopted for the government of the House for this Session.

Which was lost.

On Motion, the House adjourned to 7, P. M.

EVENING SESSION.

7 O'CLOCK.

The House was called to order by the Speaker.

The following Message was received from the Council, by the Secretary:

MR. SPEAKER:—I am instructed by the Council, to inform your Honorable Body, that the Council has organized by the choice of W. W. Updegraff, as President, and John J. Ingalls, Clerk: A. Cutler, Assistant Clerk; Mr. Selden, Sergeant-at-Arms; J. R. Rankin, as Door-Keeper, and are ready to proceed to business.

JOHN J. INGALLS,
Secretary.

Mr. Scott, introduced the following Resolution:

Resolved, That a Committee be appointed by the Speaker, to draft Rules for the government of the House, which was adopted, and

The following gentlemen were appointed such Committee, to-wit: Messrs. Heath, Sims and Scott.

The following resolution was introduced by Mr. Nelson:

Resolved, That the Chief Clerk of the House be empowered to procure one hundred copies of the Rules of order of the last House, for the use of this House.

The following resolution was introduced by Mr. Wood:

Resolved, That Cushing's Manual be adopted as the Rules of this House, until other rules shall be adopted, and that the Sergeant-at-Arms furnish a copy for each Member of the House.

Which was lost.

The following resolution was introduced by Mr. Nelson:

Resolved, That the Rules of the last House be adopted for the government of this House, until the report of the Committee on rules of order.

Mr. Wood, offered the following amendment, which was adopted:

[This amendment omitted in the copy given to the Printer.]

The following resolution was introduced by Mr. Knowles:

Resolved, By the House of Representatives of the Territory of Kansas, the Council concurring therein, that the said Legislature, of said Territory, do adjourn on the———day of January, A. D. 1860, to meet again on the———day of January, A. D. 1860, at———o'clock, at the City of Lawrence, Douglas County, said Territory.

Mr. Parks, moved to amend by striking out the word Lawrence, and insert the word Leavenworth.

Mr. Canniff, moved to strike out the word Lawrence, and insert Topeka.

Which motion was lost.

Mr. Blake moved to lay upon the table the resolution and the amendment.

Which was lost.

The vote being taken on the amendment, it was lost.

Yeas—14. Nays—18.

Those voting in the affirmative, were

Messrs. Brown, Canniff, Dutton, Elliott, Fitzpatrick, Lindsay, Magill, Noel, Reynolds, Shively, Whitehead, Wright and Wood.

In the Negative.

Messrs. Blake, Bartlett, Prooks, Chandler, Cornwell, Cave, Heath, Jones, Knowles, Lynde, McMath, Norton, Nelson, Robertson, Rankin, Stewart, Sheldon, Scott.

The following substitute was presented by Mr. Lynde:

Whereas, The Legislature of Kansas Territory is required by law to meet at the Capital of said Territory, and whereas there is, at said Capital, such a deficiency of suitable Rooms, Hotel accommodations, and other inconveniences as to seriously interfere with the progress of Legislative business; and whereas, suitable accommodations can be readily obtained elsewhere, free of charge to the Territory, therefore be it

Resolved, By the Governor and Legislative Assembly of the Territory of Kansas, that we do adjourn at 12 M., on January

4th, 1860, to meet in the City of Lawrence, Kansas Territory, on the 5th day of January, A. D. 1860, at 12 M., to hold the remainder of the present Session; and that the Secretary of the Territory be requested to procure suitable Rooms for the accommodation of said Legislative Assembly, in said City of Lawrence.

On motion, the House adjourned until 9 o'clock, Tuesday morning, January 3rd, 1860.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Clerk.

TUESDAY, Jan. 3, 1860,
9 o'clock, A. M.

House met pursuant to adjournment.

Prayer by Rev. Mr. Hutchinson.

The Clerk then proceeded to call the roll.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Heath, of Douglas County, called for the reading of the resolution offered by the gentleman from Bourbon (Mr. Knowles), which was done.

The following message was received from the Council, by the Secretary:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council is now organized and ready to proceed to business.

JOHN J. INGALLS,
Secretary.

The following resolution was introduced by Mr. Lynde, of Jefferson County:

Resolved, That S. F. Tappan be appointed Second Assistant Clerk of the House of Representatives for the remainder of this session.

On motion of Mr. McMath, the resolution was laid upon the table.

Mr. Scott, of Allen County, offered a verbal amendment to the substitute offered by the gentleman from Jefferson, that a removal could be affected without cost to the Territory, and that the resolution should state the fact.

Mr. Wood, of Chase County, introduced a resolution from the Mayor and City Council of the City of Leavenworth, which was read by the Clerk, tendering the free use of a hall and office and other necessaries, including furniture for the use of members, and an assurance from the citizens of Leavenworth guaranteeing the free use of the same, as read by Wood, of Chase County.

Mr. Heath, from Douglas County, moved that the subject be referred to a committee of three.

Mr. Parks, of Leavenworth County, moved to lay the motion upon the table, which motion was

Lost.

The vote being taken upon the substitute of Mr. Scott, it resulted as follows:

Those voting in the affirmative were as follows:

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsey, McMath, Morton, Nelson, Parks, Rankin, Stewart, Sims, Shively, Sheldon and Scott.

Those in the negative were as follows:

Messrs. Brown, Blake, Canniff, Fitzpatrick, Murphy, Magill, Reynolds, Whitehead, Wright and Wood.

22 voting in the affirmative. 10 voting in the negative.

Mr. McMath moved to suspend the rules, and

The motion prevailed.

The Bill was ordered to a second reading.

Mr. Sims moved to refer the substitute to a committee of three, which was

Carried.

The Chair appointed the following gentlemen said committee: Mr. Sims, Mr. Crooks and Mr. Nelson.

Mr. Sims asked to be excused, and Mr. McMath was substituted in his place.

The following resolution was introduced by Mr. Lynde:

Resolved, That the Sergeant-at-Arms is hereby requested to procure for the use of the members of the House the necessary number of files for holding bills, one paper cutter, and one bottle of mucilage for each member of the House.

Adopted.

Mr. Nelson introduced the following resolution:

Resolved, That the Sergeant-at-Arms of the House be empowered to procure one copy of the Journal of the last House, together with one copy of the general and and special laws of the year A. D. 1859, for each member of the House.

Which was adopted.

Mr. Wood, of Chase County, introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to prohibit all smoking in the House during the session.

Mr Heath, of Douglas County, moved to lay the resolution of Mr. Wood upon the table,

Which was carried by the casting vote of the Speaker.

Mr. Wood presented the following resolution:

Resolved, That the clergymen of this city, and others who

may be in attendance upon the Legislature, be invited to o[illegible]iate alternately in opening the sessions of this House with p[illegible]y[illegible].

Laid upon the table.

Mr. Parks, of Leavenworth County, introduced the fol[illegible]wing resolution:

Resolved, That Daniel Scully be admitted to the floor [illegible] this House as a reporter for the Leavenworth Daily *Herald*.

Adopted.

Mr. Elliott, of Breckinridge County, introduced the fol[illegible]wing resolution:

Resolved, That the Sergeant-at-[illegible]rms be required to p[illegible]ocure five copies for each member of this House, in an alphabet[illegible] list of the names of the members and officers of this House, w[illegible] their pos[illegible]-office, county address, where born, age and avocation.

Which was adopted.

Mr. Nelson, of Coffey County, introduced the following [illegible]eso-lution:

Resolved, That all smoking be prohibited in the hall [illegible] this House, during the hours of session.

Read, and declared out of order by the Chair.

Mr. McMath then, as Chairman of the Special Committ[illegible] read a written guarantee from citizens of Leavenworth and L[illegible]ence offering a removal of members and officers of the Legislatur[illegible] without cost to the Territory of Kansas.

Mr. Sims, of Johnson County, offered the following a[illegible]end-ment to the substitute offered by the gentleman from Jeffe[illegible], in relation to the adjournment of the Legislature, when,

The yeas and nays being called, the result was as follow[illegible]:

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, D[illegible]ton, Elliott, Heath, Jones, Knowles, Lynde, Lindsey, McMath, Mor-ton, Nelson, Rankin, Steward, Sims, Shively, Sheldon, Sc[illegible] and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Canniff, Fitzpatrick, Lombard, Murphy, Magill, Parks, Reynolds, Whitehead and Wright.

22 voting in the affirmative, 11 in the negative.

Mr. McMath, of Wyandott, moved to suspend the Rules, in order that the Bill be ordered to a third reading, which was

Lost.

Mr. Wood, moved to amend the amendment, by striking out the words, fourth and fifth days of January, and inserting sixth and seventh days of January, which was

Carried.

Mr. Wood, moved to reconsider the vote to suspend the Rules, which was

Carried by the following vote:

Those voting in the affirmative, were

Messrs. Brown, Blake, Canniff, Cornwell, Elliott, Fitzpatrick, Lombard, Murphy, Magill, Parks, Reynolds, Sims, Whitehead, Wright.

Those voting in the negative were as follows:

Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Heath, Jones, Knowles, Lynde, Lindsey, McMath, Morton, Nelson, Rankin, Stewart, Shively, Sheldon, Scott, Wood.

14 voting in the affirmative, 19 in the negative.

Mr. McMath, of Wyandott, moved to suspend the Rules, so that the Bill might be ordered to a third reading.

The yeas and nays being called for, resulted as follows:

Those in the affirmative were as follows:

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsey, McMath, Mor-

ton, Nelson, Rankin, Stewart, Sims, Shively, Sheldon, Scott, Wood.

Those voting in the negative were as follows:

Messrs. Brown, Blake, Canniff, Fitzpatrick, Lombard, Murphy, Magill, Parks, Reynolds, Whitehead, Wright.

22 voting in the affirmative. 11 voting in the negative.

Motion was carried.

Mr. Fitzpatrick, moved to strike out the names of Babcock, Dalton and others, and insert Dugger; Still and others; also, strike out the word Lawrence, and insert Leavenworth, which

Motion was ruled out of order by the Speaker.

A motion was made to adjourn to 3, P. M.

Mr. Wood, of Chase County, moved to lay the motion on the table, which was

Carried.

The following was the report of the select Committee upon the substitute to the amendment:

They report, by striking out the Secretary of the Territory. and inserting the Sergeant-at-Arms, of the House.

W. L. McMATH,
P. R. BROOKS, } Committee.
G. W. NELSON.

Mr. Sims, of Johnson County, offered the following further amendment:

Resolved, That the Clerk be instructed to enter upon the Journal, the guarantee against expense to the Territory, from removing the present Session of the Legislature, which guarantee is signed by C. W. Babcock, B. F. Dalton, L. L. Jones, S. W. Eldridge, P. R. Brooks, G. W. Hutchinson, E. S. Lowman, S. O. Thacher, G. W. Deitzler and Lyman Allen, and that the said guarantee be filed with the enrolled copy of the foregoing Joint Resolution, in the Office of the Secretary of the Territory:

[COPY.]

The undersigned, citizens of the City of Lawrence, do hereby guarantee that, in case of the removal of the Legislature to said City, for the Session of the year, A. D. 1860, the use of suitable Halls, and offices for the occupation of the Legislature, and that the removal of the Officers and Members, of both Branches of the Legislature, and of all Furniture and Property for both Bodies, from Lecompton to Lawrence, shall be removed, without any expense whatever to the Territory of Kansas. Lecompton, January 3rd, 1860.

(Signed) C. W. BABCOCK,
B. F. DALTON,
L. L. JONES,
S. W. ELDRIDGE,
P. R. BROOKS,
G. W. HUTCHINSON,
E. S. LOWMAN,
S. O. THACHER,
G. W. DEITZLER.

Mr. Sims, of Johnson County, offered the following amendment:

WHEREAS, a sufficient guarrantee has been offered in writing by C. W. Babcock, B. F. Dalton, and others, that no expense whatever shall accrue to the Territory by reason of removal to the City of Lawrence, Kansas Territory.

The yeas and nays being called for, the vote resulted as follows:

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsey, McMath, Morton, Nelson, Rankin, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were as follows, viz:

Messrs. Brown, Blake, Canniff, Fitzpatrick, Lombard, Murphy, Parks, Reynolds, Whitehead and Wright.

22 voting in the affirmative, 10 in the negative.

On motion of Mr. Wood,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Mr. McMath presented the following House Bill No. 1, entitled "An Act for the location of the County Seat of Wyandott;"

Read once, and

Referred to a special committee.

Said Committee consisting of Messrs. McMath, Rankin and Wright.

Mr. Nelson introduced House Bill No. 2, entitled "An Act to extend the time for the payment of taxes."

Read once and

Referred to a Special Committee.

Said Committee consisted of Messrs. Nelson, Lindsey and Lynde.

Mr. Wood introduced House Bill No. 3, entitled "An Act to abolish the office of District Recorder."

Read once and

Referred to a Special Committee.

Said Committee consisting of Messrs. Wood, Sims and Scott.

Mr. Wood introduced House Bill No. 4, entitled "An Act to amend an Act to incorporate the City of Atchison."

Read the first time and

Referred to a Special Committee.

Said Committee consisting of Messrs. Wood, Heath and Bartlett.

The following Message was received from the Council:

MR. SPEAKER:—I am instructed by the Council, to inform the House, that the Council have adjourned until 3 o clock, for the purpose of meeting the House in joint session for the purpose of receiving a Message from the Governor.

JOHN J. INGALLS,
Secretary.

The Council and House having convened in joint session, the Message was read by the Private Secretary of the Executive, from the Clerk's desk.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, LECOMPTON, K. T.,
JANUARY 3RD, 1860.

Gentlemen of the Council, and of the
House of Representatives:

You have met at the capital of the Territory to assume the duties and responsibilities of the law-making power, to watch over the interests of your constituents, and examine into the condition of the affairs of the Territory.

Hasty and reckless legislation is a dangerous experiment, more to be feared than a failure to legislate at all. So obnoxious had this conduct become, in many of the States, that the people, to protect themselves and property against its consequences, resorted to the other extreme, and declared that their representatives should assemble once only in two years, except on extraordinary occasions. But this has been only a partial cure, with many resulting disadvantages. The better remedy would be for the people to look more closely into every act of their representatives, and call them to a strict account for any violation of the trust reposed in them. To do this, our views of statesmanship must grasp more than that one idea which is so often foreign to our immediate duties.

Let us not forget, therefore, that it is with the people of Kansas, with their multifarious interests, that we have to do; that we are a new people; as it were organizing a new government; thrown together from every country; enterprising, but not wealthy; ambitious of future greatness, yet in our infancy; large in resolves, yet contracted in ability to perform.

In my Message to the last Legislature, I called attention to the laws regulating County and Township organizations, and suggested whether they could not be greatly simplified, both for the convenience of the peo-

ple and for cheapness in administration. With the exception of reducing the number of Township officers, the laws remain very nearly as they were.

The Township Clerk should be required to keep a substantial record book, in which the whole official transactions of the township should be recorded; and so much of the present law repealed as requires a duplicate of the election returns "sent to the Governor by the township clerk.' The transmission of these returns from every township in the Territory, is troublesome, expensive and useless, and liable to great confusion. The election of such township officers as it is necessary to commission, should be certified to the county clerk, and through him certified to the Executive office. Though the organic act may be construed to require all township officers to be commissioned by the Governor, yet, as there are doubts existing in regard to it, a legislative act might dispose of them. Legislation is, at least, required upon the subject, and I submit it to your discretion.

All judicial officers should be commissioned by the Governor, unquestionably.

It would add greatly to the economy and simplification of the county business, if the County Boards of Supervisors were superceded by the election of three County Commissioners by the electors of the whole county. The work would be better and much more cheaply done. The County Boards are small Legislatures, each member responsible only to the township which elects him. The system is too complicated for a thinly settled community, and the burdens greater than should be placed upon any people unable to bear heavy taxation.

These reforms, so much needed, will greatly lessen the Township and County taxes, relieve the people from great annoyances, as well as the Executive office from a vast amount of useless labor.

The acts of the last session took from the Executive the power to fill vacancies in County and Township offices; and, in many instances, the people have thereby been put to the necessity of holding special elections to fill vacancies for such brief terms that the expense would scarcely justify the act. In many cases offices have remained vacant, rather than incur the expense and trouble of calling and attending an election. Frequently, when vacancies occur, it is of the utmost importance to the public interest that they should be filled immediately, which cannot be done by an election requiring its proclamation for the length of time specified by law.

There is no law for the organization of new counties, hence several communities within the boundaries of counties created by law, have no local government, and are living at the mercy of bad men, who, know-

ing their defenceless condition, perpetrate lawless acts without fear of punishment. Where our population is so rapidly filling up new districts of country, the safety of their lives and property appeals to you for Legislative action. There is no law even for the appointment of Justices of the Peace in such border settlements, and very great and serious difficulties have been the consequence.

The Act of last Session, regulating the general elections, created a registry law, which in its operations has deprived many of our citizens of the elective franchise. While it pretended to be a law to prevent fraudulent voting, it not only encouraged fraud, but deprived hundreds, many of them the oldest and most respected citizens of the Territory, of their right to vote. The law, as it stands, is crude and mischevious. The officer designated by the law to make the registry is the only one in the township of a ministerial character who is not required to give bond and security for the faithful discharge of his duties. It puts power into the hands of the assessors, who make the registry of voters, to commit the grossest acts of injustice; vent their personal spite upon their neighbors, and act the vilest partisan, without sufficient punishment being prescribed for the offenders. Neither is there any provision for proving citizenship and a full right, with the exception of registration, to exercise the elective franchise, even though the non-registration be the fault of the registering officer. Hence we hear from all quarters of the registration of individuals, when of congenial political proclivities, who had left the country months before; while citizens who had been in the Territory from its organization, but who were not of the same political school as the Assessor, were neither visited nor registered; and not keeping pace with the ever varying laws, were wholly unconscious of the existence of a law which deprived them of their exercise of citizenship, until they appeared at the polls and were notified that they were not citizens according to the law, as their names were not on the Registry. And when they offered to swear to their citizenship and prove it by witnesses of the highest respectability, they were told that there was no provision for such a mode of redress.

There is a law for punishing fraudulent voting; but no law to secure the honest voter the right to exercise his privilege as an elector, if from a want of notice, negligence, wilful or otherwise, of the Assessor, his name is not placed upon the registry eleven days before the day of election. I also learn that in many instances, where error has occurred or been committed, the Assessor has refused to correct his registry list, when notified of his error or negligence; thus putting the elector to the expense of going to the Assessor himself, (or

losing his right of suffrage) and spending two days' time—one in registering, and the other in voting. With our people, just opening new farms and erecting cabins to shelter themselves and their families, "time is money;" and many, in consequence, refuse to have anything to do with either registering or voting. The Registry Law may answer the purpose, in cities, of obtaining a few extra votes by fraudulent registrations; but, in the country, where the population is thinly scattered over a large voting district, it operates to deprive the honest voter of his freedom, and take from him his manhood, by silencing his voice in public affairs. Its total repeal will also add much to the relief of the tax payers.

The last Legislature appointed a Commission to codify the laws. This they were to do during a session of forty days. Toward the close of the Session they reported to the Legislature a mass of Bills, filling a book as printed of over six hundred pages. These it was impossible to have deliberately read, much less, critically examined. The Legislature, therefore, was compelled literally to pass them in a body, or reject the whole. Fortunately for the people of the Territory, they were mainly cut from the volume known as the "Bogus Laws," re-enacted and re-printed. The changes that were made will, in many instances, require your attention.

According to the law as it now is, the standard of interest is ten per centum, but gives unlimited license to fix any amount, at the option of the parties, or, more strictly speaking, at the option of the lender; for, in nearly all instances, the borrower is at the exclusive mercy of the lender. Few men seek to borrow money, especially in times of great pressure in business, whose necessities do not deprive them of that sound discretion so essential in all monied transactions. The money loaners being few, and the borrowers many, the former hold all the advantages of the contract in their own hands. They do not meet on equal terms to qualify them to be contracting parties; the one is the master of his money, the other the slave of his necessities. The man of business bases his operations upon the supposed amount of money in the market; the money loaner contracts the amount of circulation, and forces him to his own usurious terms. It is a contract in effect, made by one party alone, and is not binding in equity, and should not be in law.

The rates of interest charged in this Territory are excessive—such as nothing but the most prosperous times would justify. The effect is prejudicial to every branch of business, and weighs heavily upon every citizen. Men anxious to save, for the time being, their little homes for themselves and their families, mortgage them at enormous rates of

interest. If the mortgages are not promptly paid, they are speedily foreclosed by the loaner of money to secure his principal and usurious interest. Delay, and the land would not sell to meet both the principal and interest, on account of the rapid accumulation of the latter at 3, 4 and 5 per cent. a month. By thus continually throwing upon the market large quantities of land, the price is continued greatly reduced in the hands of those who otherwise might sell to great advantage.

The merchant and manufacturer to secure themselves against loss, must add the enormous interest they pay for the use of money upon their goods and wares, thereby throwing the burden upon the retail purchasers.

The time to fix a just rate of interest by law, as a standard for the future, is when everything is ruling low. Necessity leads to reflection; and reflection to just conclusions. When prices rule high, and the people are wild with speculation, is no time for legislation upon these subjects. It would not likely be just if attempted. Imagination would be taken for sound reasoning, and the hopes of great and speedy fortunes would quicken the mind to thegrossest delusions.

Money (Gold and Silver) being the standard of value, and not of indefinite creation, should have a fixed price set upon its use. Thousands of years of experience have pretty well settled upon what that price is. It is what honest and sober industry can pay for its uses. The judgments of different nations, as history informs us, have swayed from making it a crime to charge interest at all, to the modern Quixotic notion of "free trad . .oney." Both extremes have exploded, as extremes generally do, leaving the marks of their errors behind them. While the one is considered unjust to the holder, the other is grossly so to the borrower. The one contracts commerce and trade, and curtails the individual in his domestic relations; the other lets loose the wildest anticipations of fortunes, and spreads ruin, desolation and sorrow in many a household. These extremes should be avoided, and a law made, founded upon the experience of ages, fixing the standard of interest, with the proper punishment for usurious contracts.

By an omission or oversight in the legislation of the last session, no law was passed authorizing the Territorial Board of Equalization to levy a Territorial tax for the ensuing year. This will require your earliest attention. The financial condition of the Territory will be specifically stated in the Auditor's and Treasurer's Reports, which will be delivered to you at an early day, and to which I would call your especial attention.

The whole system of taxation, as well as the amount of the authorized levies, will require your most careful examination, and rigid scrutiny. The almost universal complaints of the people in regard to the tax levies

cannot be viewed as idle murmurings, but as the honest and just expressions of those who feel the necessities of economy and reform. The real estate in Kansas, subject to taxation, is yet quite limited, in proportion to the whole amount settled upon. The assessments are quite irregular, and in many instances very incomplete, while the system of collecting the revenue is destitute of the proper checks and guards, and liable to great abuses. The collecting officers should not be permitted to receive the taxes in money and then purchase warrants on the Treasury at a discount and pay them over as though taken for taxes. The law should make this a punishable offence of the officer.

No County officer should be permitted to assume the duties of his office, until he had taken the oath, and given such bonds, as are prescribed by law, and duly commissioned for the discharge of his duties. System and order should be uniformly established to secure the benefits of just government. It will prevent litigation, secure promptness in official places, and promote economy.

I have no information from the Territorial Superintendent of Common Schools, who does not reside at the Capital, but I have confidence that he will speedily lay before your body a full and satisfactory statement of the condition of our Public Schools. The interest taken in our Free Schools by the people of this Territory is highly commendable, and exhibits a great advance in what is generally the case in a new country. This spirit should be aided and encouraged by careful and just legislation. The General Government has set apart two sections of land in each township for the support of Free Schools, to be placed in charge of the State after admission into the Union. This liberal gift will, if properly taken care of, go far to educate every child in each of the townships.

In the Constitution framed at Wyandott, last summer, adopted by the people and now awaiting the action of Congress for our admission as a State, contains a *Resolution* to which I feel it my duty to call your very especial attention.

It is as follows:

"*Resolved*, That the Legislature shall make provision for the sale or diposal of the lands granted to the State in aid of internal improvements and for other purposes, subject to the same rights of pre-emption to the settlers thereon as are now allowed by law to settlers on the public lands."

This resolution makes it imperative on the Legislature to provide for the disposal of all lands granted to the State in aid of internal improvements, whether for Railroads or otherwise, by pre-emption to settlers, with the same rights as are now allowed to settlers on the public

lands. It goes farther and includes lands for *"other purposes,"* lands granted for "the maintenance of a State University," for "the erection of public buildings," "for the erection and maintenance of charitable and benevolent institutions;" "Salt Springs," "mines," and the lands necessary for their use; as well as "Sections sixteen and thirty-six in each township in the State," granted "for the use and support of Common Schools."

How this resolution came to be engrafted in the Constitution it is not our province to inquire. You have no power whatever over the provisions of that instrument; but it is not yet in operation and is of no binding force until we are admitted as a State. I know of no greater misfortune which could overtake the children of the State, than the loss of this great gift for their education. These lands are the basis upon which our whole Free School system rests—the hope of every child in Kansas for his or her education depends upon the proper care and disposal of these lands. The Legislative power holds the guardianship and it should not be unworthy of its high trust.

As these grants are yet in the hands of Congress, I would suggest that at your present session you memorialize that body, and as speedily as possible, to guard the interests of our schools against the operation of this resolution, on our admission as a State. It may save the school fund from immense losses and a multiplicity of law suits, such as would eat up the value of the grants, if finally recovered from the pre-emptors or settlers upon them. Doubts of the force and extent of this resolution are not enough to prevent expensive litigation; and should not be relied upon. Some of these school sections are extremely valuable already and will be more so at an early day.

Speculation is always keen sighted, and there is too often a disposition to trifle away these valuable educational grants, under various pretexts; sometimes the most spacious and insincere; yet too often effective. There is a high public spirit in the people of Kansas in the cause of education, to which I appeal with pride, through their Representatives. If you think with me that these school lands are endangered, directly or indirectly, by this Resolution, above quoted, you will take such timely action in the matter as will secure "sections sixteen and thirty-six" from being diverted from the purposes for which they were set apart by Congress.

A resolution in the body of a Constitution is of as much force and as binding upon the State, as though it were designated by *article* or *section*. Although placed among resolutions requesting the action of Congress, it does not therefore vitiate its force upon the action of the State Legislature; but may indicate thereby that the members of the

Convention expected the action of Congress necessary to make it effective. That action would be secured by our simple admission.

If this view were taken by the Convention, it becomes still more your duty to give public expression by memorial, in refference to it.—I make the suggestion the more freely as I feel convinced that the people in voting for the adoption of the Constitution never intended thereby to divert the benefits of these lands from the cause of education.

It is probable that applications will be made during your present session for the creation of Bank charters. The Constitution has very properly thrown around any banking system, which may be created under it after our admission, severe and just restrictions. This may suggest the idea, to men who deal in fictitious and bogus banking, to ask for charters in anticipation of our becoming a State, and thus, by claiming what they would call a vested right, render nugatory the provisions of the Constitution. "Paper money" at best, and at all times is a deception and a cheat. It has no intrinsic value whatever as a currency, and too often but a very little as a "promise to pay." It is a scheme invented by the few, by which to transfer the hard earnings of the many into their own coffers. It engenders debt and speculation in times of prosperity; and crushes and ruins with a double force in times of adversity. It is your suppliant friend when you do not need its friendship; your surest and most subtle enemy when your necessities require its aid. Such is the general character of the whole system of American paper money banking. Poverty, wretchedness and crime have marked its unbridled career. The melancholy records of our criminal courts attest its demoralizing and seductive influences. Wedded from long association to our commercial and business relations, it pleads its own necessary presence, to decoy and mislead its victims. Admits its own bad character on general principles; but argues the necessity of its home creation to prevent the introduction of its foreign counterpart. I trust, therefore, that you will treat all such applications with distrust, and decline acceding to their petitions.

The Act of February 10th, 1859, entitled "An Act to establish a Penitenary," I did not carry into effect, either by accepting the bonds of the Commissioners named in said Act, or by filling the vacancies occasioned by said Commissioners failing to present their bonds as the Act contemplated. The Act, it is true, appropriated "twenty thousand dollars" out of the Territorial Treasury toward defraying the expenses of the erection of said Penitentiary; but it also required that said "commissioners shall decide on a plan for a prison adequate to the wants of Kansas for the next twenty years."

When this Act was passed it was understood that the proper au-

thorities at Washington had recommended to Congress a very liberal appropriation for the erection of a Penitentiary in Kansas, and it was believed that such an appropriation would pass that body. Had it done so, the appropriation from the Territorial Legislature might have been used to some advantage. But had I proceeded under the act of the 10th of February last, and organized the Board of Penitentiary Commissioners, and warrants issued on the Treasurer for the twenty thousand dollars appropriated, these warrants would not have sold in the market for over fifty cents on the dollar, and hence a clear loss of ten thousand dollars would have fallen upon the tax payers; while the ten thousand dollars realized would have been inadequate to complete any portion of the building, and been equal, probably, to the loss of the whole. With these considerations, I declined to fill the Board of Commissioners, and by so doing, believe a very heavy expense was saved to the people, while the intentions of the Legislature were not misapprehended.

But the necessity of such a building in the Territory is imperative. Convictions for crime are almost useless, unless some secure place is procured to confine the criminals during the term of their conviction. It has been customary for Congress to appropriate money for the erection of penitentiaries in the Territories. It may not be too late yet, to memorialize Congress on the subject and obtain aid in that way, as a tax upon our people for that purpose is out of the question in the present embarrassed condition of those who hold taxable property. They are already weighed down with taxes for roads—taxes for schools—taxes for townships—for counties, and the Territory, and on a scale of extravagance not suited to their new condition.

Your attention is also called to the condition of the Territorial Library. A room should be obtained suitable to collecting and arranging the books. For the want of the necessary space, part are now under charge of the Secretary of the Territory—these generally include the law library; and part, the miscellaneous, under charge of the Auditor of the Territory; no room being provided sufficient to contain them when put under charge of one person.

There should also be a room provided for the Territorial arms, and provision made for collecting them. A very trifling appropriation will be necessary for this purpose.

I herewith transmit a statement of the Census Returns, as transmitted to this Department under an act of the last Session. That they are very imperfect, you will readily perceive. This is owing partly to the neglect of the officers designated in the Act to perform their duties, and to the want of the proper organization in some of the counties.

It is a source of the highest gratification to be able to state that since the adjournment of your predecessors, the utmost peace and quiet has pervaded the whole Territory. Industry has everywhere added largely to the comforts of our citizens; and with bounteous crops in all parts of the Territory, the greatest plenty prevails, and to spare. We hear of no murmurings over the failure of the land to bring forth in abundance, and the cry of distress is not heard within our borders.

Though crime is not wholly extirpated, we are no longer met by armed gangs of men, ready to plunder and rob their fellow-men and lay waste the earnings of industry. While we are on this high road to perpetual peace and prosperity, let all those who would again disturb the harmony of society, or interrupt the good fellowship between neighbor and neighbor, be held as the enemies of mankind.

And while we strive to cultivate this state of things at home, let us not forget that the same course is due our neighboring State of Missouri, a State to which we are necessarily connected in our trade, and commercial intercourse. To make our own Railroads—the great highways of modern communication—of value to us, to which we are looking with so much hope and anxiety, we must form our connections with the roads of Missouri, on the east. Through and over these we must travel, and transport our produce and merchandise. It is of the utmost importance, therefore, that we should cultivate a good understanding with our neighbor State. Though differing with us in some of her local institutions, she has the same right to them as we have to ours. We have no more right to harbor and protect men to steal her slaves, than she has to encourage associations to steal our horses. The law makes both a crime, and it is with the law we have got to deal. Our National and State Governments are governments of written law and public sentiment. Until the same public sentiment which created the laws repeals them, they are binding, in all their force, upon every man who claims to be an American citizen. Not only binding in a legal sense; but binding on him morally and socially. For, when we agreed to enter into this system of Government, we agreed before our God and the world that we would peaceably abide its practical workings. He, therefore, who sets himself higher than the written law, and rebels against the agreement and solemn compact, as one of the individual parts of the whole, puts himself outside of the governmental machinery, becomes an alien to his country and plays the traitor to all our social and constitutional obligations.

We should never lose sight of the very important fact that the United States Government is a confederation of sovereignties. After

throwing off the yoke of Great Britain, in a common effort, each State was free and independent of every other. They owed allegiance to no power on earth. But for the "common defence and general welfare," they entered into a mutual government for certain specific powers, which are written and clearly defined. This written law, resting upon the virtue, intelligence and patriotism of our people, is all that we have in the shape of a National Government. Destroy this law, and each State falls back upon its original and exclusive sovereignty.

Hence any interference by one State with the rights, privileges or practices of the reserved sovereignty of another State, is a rebellion against the general compact, and a war upon a co-equal sovereign. The emigrant from a foreign land is required to take an oath of allegiance to this compact before he can become a citizen, while the native-born inherits his citizenship and is as much bound as was the paternal brotherhood, to observe the great principles of our Government. States can no more intermeddle with each other's family and private relations, than can two neighbors, and expect to remain in peace and friendship.

May an overruling Providence guide us in true patriotism, that the people present, and generations yet to come, may enjoy the great privileges bequeathed to us by our fathers; and the true destiny of a great and united nation, do its perfect work. S. MEDARY.

On motion, the Message of the Governor was unanimously received.

The joint session having been concluded, the Council withdrew from the House.

The House was then called to order by the Speaker.

Mr. McMath offered the following resolution:

Resolved, That five thousand copies of the Governor's Message be printed in the English language, and one thousand copies of the Message in the German language, for the use of the members of this House.

Mr. Wood moved that the resolution be indefinitely postponed.

The yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott,

Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Rankin, Stewart, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Lombard, Lynde, Murphy, McMath, Magill, Parks, Robertson, Reynolds, Shively, Whitehead and Wright.

18 having voted in the affirmative, and 13 in the negative,

The motion was carried.

Mr. Wood moved to reconsider the vote, which was

Carried.

Mr. Whitehead moved to strike out "one thousand," and insert "two thousand be printed in German language," which was

Lost.

The vote being called for, the original resolution was

Adopted.

Mr. Scott moved to amend by striking out "five thousand in English language," and insert "three thousand," which was

Lost.

Mr. Nelson, of Coffey County, offered the following resoulution:

Resolved, That the Governor's Message be referred to a Select Committee of three, to be by said Committee referred to the appropriate standing Committees.

Which was adopted.

The following gentlemen compose said Committee: Messrs. Parks, Lynde and Jones.

Mr. McMath offered the following resolution:

Resolved, That the hour of meeting for the morning and afternoon sessions be respectively nine and two o'clock of each day, unless the House shall otherwise direct.

Which was adopted.

Mr. Bartlett offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to obtain from the Secretary of the Territory, a copy of the special laws of the year A. D., 1857 and 1858, for each member of this House, if the same can conveniently be obtained.

Which was adopted.

Mr. McMath offered the following resolution:

Resolved, By the House of Representatives, the Council concurring therein, That the joint rules for the government of the Council and House of Representatives for the last session, be adopted for the government of the Legislative Assembly for the present session.

Which was adopted.

Mr. Wood offered the following resolution:

Resolved, That a Committee be appointed to inquire by what authority Territorial bonds have been issued, and to what amount, in payment of the awards of the Claim Commissioners appointed by the last Territorial Legislatnre.

Which was adopted.

The Chair appointed the following gentlemen as said Committee: Messrs. Wood, Shively and Heath.

Mr. Brooks moved to go into the election of a Messenger.

Mr. Nelson moved to lay the motion on the table.

Carried.

Mr. Wood moved to take from the table the resolution calling for the election of a Second Assistant Clerk.

Carried.

Mr. Heath offered the following amendment:

Resolved, That no further elections take place in this body, until at least twenty-four hours notice shall have been given that such election will be proposed.

Which was lost.

Mr. Wright offered the following resolution:

Resolved, That the House proceed to the election of a second Assistant Clerk, *viva voce*.

The yeas and nays being demanded, resulted as follows:

Those voting in the affirmative were

Messrs. Brown, Blake, Chandler, Cave, Lombard, Murphy, Nelson, Parks, Robertson, Reynolds, Sims, Scott, Whitehead and Wright.

Those voting in the negative were

Messrs. Bartlett, Brooks, Canniff, Cornwell, Elliott, Fitzpatrick, Heath, Knowles, Lynde, Lindsey, McMath, MaGill, Morton, Rankin, Stewart, Sheldon, Wood.

15 voted in the affirmative. 17 voted in the negative.

Mr. Nelson moved to adjourn and

Was ruled out of order.

Mr. Wright moved to adjourn.

Lost.

Mr. Nelson moved to adjourn to 7 o'clock, which was

Lost.

Mr. Heath moved to adjourn, which was

Lost.

Mr. Heath called for the previous question,

Which was ordered.

On motion of Mr. Wood,

The House adjourned until 9 o'clock, A. M., January 4th, 1860.

KANSAS STATE LIBRARY.

WEDNESDAY, January 4, 1860.
9 o'clock, A. M.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Prayer by the Rev. Mr. Wilson.

The Clerk then called the roll, when 34 members answered to their names.

The Journal of yesterday's proceedings was then read, amended and approved.

Mr. Wood moved to take from the table the resolution of Mr. Lynde, providing for the appointment of S. F. Tappan a second Assistant Clerk of the House.

Carried.

Mr. McMath offered the following substitute :

Resolved, That the House proceed to the election of a Second Assistant Clerk, by ballot.

Mr. Wood moved to lay the substitute upon the table.

Mr. Parks demanded the yeas and nays :

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Cave, Elliot, Jones, Lynde, Nelson, Stewart and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Brooks, Canniff, Cornwell, Fitzpatrick, Heath, Knowles, Lombard, Lindsey, Murphy, McMath, Magill, Morton, Noel, Parks, Robertson, Reynolds, Rankin, Sims, Sheldon, Scott, Whitehead and Wright.

9 voting in the affirmative, 24 voting in the negative,

It was lost.

Mr. Wood moved to amend by inserting *viva voce*.

Lost.

Mr. Wood moved to lay the whole subject upon the table.

Carried.

The following message was received, accompanied by House Preamble and Joint Resolution, from the Council by the Secretary, with an amendment:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body, that the Council have concurred in the Preamble and Joint Resolution, relating to an adjournment, with the following amendment, in which the concurrence of the House is solicited: after "Sergeant-at-Arms," read "of the House of Representives."

JOHN. J. INGALLS,
Secretary.

On motion of Mr. Lynde to concur in the amendment to the Preamble and Joint Resolution,

The yeas and nays being demanded, resulted as follows:

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, McMath, Morton, Nelson, Rankin, Stewart, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Brown, Blake, Canniff, Fitzpatrick, Lombard, Murphy, Magill, Noel, Parks, Robertson, Reynolds, Whitehead and Wright.

21 voting in the affirmative. 13 voting in the negative.

Amendment concurred in by the House.

Mr. Nelson moved to take up the substitute or Mr. McMath, which was

Carried.

The vote being taken upon the adoption of Mr. McMath's substitute, it was

Lost.

Mr. Lynde offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to procure from the Secretary of the Territory, five dollars worth of postage stamps for each member and officer of this House.

Adopted.

Mr. Nelson offered the following resolution:

Resolved, That the Sergeant-at-Arms be empowered to procure of the Secretary of the Territory, for the use of the Members of this House, fifty copies of the Private Laws of the year 1859; fifty copies of the General Laws of the year 1858; fifty copies of the General Laws of the year 1859; fifty copies of the House Journal of the year 1859; and fifty copies of the Journal of the Council for the year 1859.

Mr. Lynde moved to amend the resolution, by inserting, in place of fifty copies, "one copy for each member of the House," which was

Adopted.

The original resolution as amended, was adopted.

Mr. Lindsey offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to employ a Messenger for the remainder of the present session.

Mr. Nelson moved to lay the resolution upon the table.

Carried.

Mr. Fitzpatrick offered the following resolution:

Resolved, That W. W. Ross be admitted to the floor of this House, as a Reporter of the *Kansas State Record*.

Adopted.

Mr. Wood moved that the vote by which the Governor's Message was ordered to be printed be re-considered.

Mr. McMath moved to lay the motion on the table, which was

Carried.

On motion of Mr. McMath, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

The Speaker announced the following gentlemen as the Committee on Enrolled Bills:

Messrs. Sims, Rankin, Knowles, Lynde and Elliott.

The following Communication was received from the Secretary of the Territory, which was read by the Clerk:

[This Communication was omitted in the copy given to the Printer.]

The following message was received from the Governor, and read by his Private Secretary:

EXECUTIVE OFFICE, K. T.,
LECOMPTON, JAN. 4th, 1860.

To the Council and House of Representatives:

GENTLEMEN:—I herewith transmit to you the annual Report of the Tervitorial Superintendent of Common Schools, for the year A. D., 1859, received last night.

Very respectfully,
S. MEDARY.

OFFICE OF TERRITORIAL SUPERINTENDENT
OF COMMON SCHOOLS, K. T.,
LEAVENWORTH CITY, Dec. 31, 1859.

To the Council and House of Representatives of Kansas, in Legislature convened:

The Territorial Superintendent of Common Schools, in compliance with the provisions of law, as set forth in Sec. 8, "He shall prepare, in each year, a report, to be submitted to the Legislature, bearing date on the last day of December in each year, containing, First—An abstract of all the Common School Reports received by him from the clerks of the several counties in the Territory; Second—A statement of the condition of Common Schools in the Territory; Third—Estimates and accounts of the expenditures of the School Money; Fourth—Plans for the improvement and management of the Common School Fund, and for the better organization of the Common Schools; and Fifth—All such matters relating to his office and the Common Schools of the Territory, as he shall deem expedient to communicate," has the honor to submit the following

REPORT:

The impossibility of making anything like a full or complete report of the condition of our Schools, and of the working of our

school system, will appear evident to every thinking mind. When you consider that it has only been in active operation a little over six months, and that hardly any of the machinery necessary to get it into working order has as yet been brought to bear upon it, you will be surprised to find that so much has been done. It was highly desirable that as full a report as possible should have been presented at this time; and if the County Superintendents had sent in as full a report as they might have done, stating the condition and prospects of their Schools, our report would have been at least very respectable. Hardly any of the reports were received in time, and not one as full as the law requires, or as they might have been. But it is not surprising that it is so; men cannot be expected to do school labor without remuneration any more than any other kind of labor. Few Superintendents have received any pay for what they have done, and many of them have not even the prospect of ever receiving any. Then the unhinging effect produced by the decision of Judge Pettit, "That unpatented lands were not taxable," with the prospect of a new Constitution and better laws, when taxes would be paid, and non-residents would bear their part of the burden, &c., has had the tendency to make them remiss in carrying out the provisions of the law, and in reporting even what they have done.

The following is an approximation of what has been done during the past summer:

The reports of County Superintendents (an abstract of which will be found in the Appendix) exhibits the following statistics, for the six months ending December 1st, 1859:

The number of Counties reported by their Superintendents, fifteen.

The number of Districts organized during the year was 222.

The number of Districts in which schools were taught during the past year was 136.

The number of children reported, between the ages of 5 and 21 years, was 7,029.

The amount of public money received for school purposes was $6,233.67.

The reports fail to state the number of schools taught in their respective counties during the year. They also fail to report the

number of teachers examined by them; the wages paid to teachers per month; the number and kind of school houses built, &c., &c. The above statistics, few and imperfect as they are, have been gleaned from what few reports have been forwarded, together with what I have gathered up in my visitations through the Territory, during the summer and fall. Many of the County Superintendents have been written to, personally, and informed what to report. But, although our footing up is small when compared with our mother States, we must remember that we are only in our infancy yet—are only beginning to crawl, and are looking forward with anxiety to the time when we will take our place with our sister States in the glorious confederacy, and instead of looking disheartened at the little we have done in the great cause of education, it should be an incentive to greater exertion, and a motive power to urge us on to duty, and success will crown our labors.

TERRITORIAL SUPERINTENDENT'S LABORS AND OBSERVATIONS.

According to the requirements of Sec. 4 of the School Law, I have visited and lectured in different parts of the Territory, inquiring into the condition of school matters, consulting with County Superintendents, and giving advice, and doing what I thought would most advance the cause of education in the Territory. I found that it was utterly impossible for me to visit every county in the Territory, or even half of them, and attend to the duties of my office at Leavenworth City. Under this press of business, I procured the assistance of Rev. THOMAS MCCARTNEY, as Deputy Superintendent, who was visiting the different counties, and by his assistance, I accomplished much more than I otherwise could, and at much less expense.

I had intended to have visited a much larger number of counties, but the pressure of other important business demanded my presence at my office. That much can be accomplished in this way, no one at all conversant with educational matters can doubt. I had urgent invitations to visit in almost every part of the Territory, not only from School officers, but from others deeply interested in the cause. By visiting the different localities, meeting with and mingling among the people, laying the importance of

a good system of Common Schools; free to all, before them, and urging the necessity of proper and efficient organization, will carry with it an influence, and give an impetus to the educational spirit and enterprise of the people that will hardly, if ever, be accomplished in any other way, short of years of hard labor and thankless toil.

But, efficient as this means may be, it cannot be fully accomplished under the present arrangement. The labor is too great for one man—even if his office business was done away with—and then the expense of traveling at ten cents per mile, with other incidental expenses would soon swallow up the salary.—When you look at the amount of Territory to be occupied, and but one man to go over it all, you will not be surprised that all have not been visited. One or two days spent in a county is not sufficient. Everything is new and unorganized. Each town should be visited, and as much time spent in a township as would be necessary for a county—when all things were in working trim. They need encouragement and advice. But instead of doing this I am obliged to devote the greater part of my time to office duties. Daily, I receive letters inquiring about the school law, the duties of Superintendents, School Boards, School Funds, &c., &c. Some county Superintendents will not do their duty—and complaint is made to me. Others do too much, and they are accused of foul dealing—and thus I am crowded with letters after letters, about personal difficulties in relation to district lines and school house sites, which never can be amicably settled until the county is filled up with inhabitants, and our school system is better understood. Opinions in reference to how the schools should be organized and conducted are as different as the States from whence the people came. Each man is partial to the school system in operation in the State of his nativity—and from this and similar causes we have very many strong prejudices to combat, and many stubborn impediments to contend with.

My usual manner of visiting counties is to call at every school, as I pass along, inquire of the teacher about his success in teaching, the working of the school system, attendance of pupils, interest manifested by parents and guardians, and concerning the interest of education in general. I always make some

remarks to the school, and if remaining over night in the place, I appoint a meeting for the householders and friends of the cause, at which I present the educational interests of the community, the necessity of thorough organizations and co-operation with the county Superintendents and other school officers in carrying out the requirements of the law, and whatever I deem neccessary to the proper conducting and managing school of affairs. When I can find the county Superintendent, I obtain from him a statement of what he has been doing, his success in organizing districts, and in managing his department, &c. I not only ask, but answer many questions, and make suggestions in relation to his duty, labors and decisions. The School Law meets with some opposition in different parts of the Territory, but whenever it has been tried and faithfully carried out, it has met the approbation of the people generally. The great difficulty in the way is a want of understanding it properly—many condemn without ever having examined for themselves.

That it is perfect, none of its friends will claim. That it requires modification, many if not all are willing to admit. Yet I would caution against all hasty legislation, or material modification in any of its provisions bearing on the local districts.—Better wait until it has received a fair trial, than to change from bad to worse; or lay aside a law that is tolerable for one intolerable.

From the information obtained in my visiting, and from all other sources in my power, I have the most undoubted assurance that our School Law is a good one, and that it will work well among our people. It is highly encouraging to the friends of popular education to see the spirit manifested throughout our but yet sparsely settled Territory. Everywhere I was received with kindness, and met with the hearty co-operation and assistance of school officers and friends of the cause. And, on my return home from a tour in the southern counties, after looking over the encouragement I met with, and the assistance and information received, with what I saw for myself, I was surprised to find so much accomplished in so short a time; only a few months, and yet we have a school system in active and efficient operation in many parts of our land. The wonder is that so much has been done, in such a short time. In my reports under the different

heads, I will speak more fully of what I saw and learned of the modifications or amendments which in my opinion would advance the interest of Education, and the prosperity of our young but vigorous country.

COMPENSATION OF THE SUPERINTENDENT.

And now, as my term of office will shortly expire, provided the State of Kansas is admitted this winter, I deem it my duty to call the attention of the General Assembly to the inadequate salary of the Superintendent. According to the provisions of the law, he is allowed $1,500 per year, with $200 for office rent, stationary, &c. By other provisions in the law, he is required to visit every county in the Tesritory, consult with county Superintendent and other school officers, visit and correspond with school officers of other States, lecture throughout the counties, &c., and yet there is not one dollar allowed him to bear all this expense. How much do you suppose it would cost to take a tour through every county, spending three or four days in each? The whole market value of the salary would not defray the necessary expense. Territorial Scrip is worth 30 cents on the dollar, and very poor sale at that; and yet the idea of raising the salary appears preposterous to many of our Legislators. Where is the man who can maintain his family in a respectable manner at Leavenworth City, or any place in the Territory, on this amount, after bearing the necessary contingent expenses incurred in the discharge of his official duties as Superintendent? It is said by many that salaries of our public officers are too high; however that may be, I am not now going to discuss. One thing I do know, and that is that the pay of your Superintendent is not sufficient. This past year I have had to labor under not only great disadvantage but much embarrassment, from the want of means, and have had to draw on my own private resources to the amount of $500. I have not as yet received one solitary dime for all my labor, and while I am making nothing available now, I am continually spending my own means and laying out of the use of the money.

The business of my office has been so great that I have had to employ a clerk at considerable expense. This is what is needed in the office, and there should be a salary attached, so that he

could devote his whole energies and time to his business. Without an efficient deputy, it will be impossible for the Superintendent to discharge the duties of his office, and the consequence will be, that the office will either become vacant or filled with unprincipled and incompetent men. What man of talent and ability—and none else should be chosen to such a responsible position—would take such an office, when he could command as high, and often a higher and much surer salary as Superintendent of some Union School. Many of the teachers in Ohio, and Pennsylvania, receive larger salaries. Then why a man of talant take an office with so much expense connected as must follow it, when he can do better. The Legislature that cuts down the salary of its school officers, until the office itself goes begging for honest worth, *is putting out its own eyes* and groveling in the dark.—"It is a penny wise a pound foolish"—and will, after sad experience, be compelled to end where it should have begun.

There was no special appropriation made for the necessary printing connected with my official duties, hence I was unable to accomplish that amount of good, from the distribution of circulars, &c., which otherwise would have accrued. I had 2000 copies of the School Law printed, and circulated upwards of 1500 copies. Yet, if my salary had in any way permitted or justified me in printing, at my own expense, a sufficient number of circulars for general distribution among the Superintendents, Teachers, and other School officers, the reports would, no doubt, have been fuller, and a new impulse would have been given to the cause. In view of all these facts, and for the good of the cause of Education in Kansas, I trust you will not disregard this very important item. "The laborer is worthy of his hire," and *the hire* must be such as to command the best talent of the country, if we expect to succeed.

NORMAL SCHOOLS.

In recommending to the General Assembly the importance of providing liberally for the support of its School Officers, I would call attention to the necessity of providing competent teachers; and this can only be done, properly, by training up in our midst young men and women especially for that purpose. *Normal* Schools are generally established and supported by the State; and in those States where provision has not been made for them,

the larger cities have been compelled to establish them, independent of the State, and support them from public funds. If we wish to exert the right kind of influence, and engraft a vigorous system of education on our new Territory, we must raise up and educate our own teachers. I will not waste time combatting arguments that may be raised against Normal Schools, but I will simply state some facts—with the reasons—why the State should support such Institutions and make ample provisions for their maintenance. The General Government has established Military Schools and Naval Academies for the training of young men for public service and public defense, and to take the command of our armies in time of danger. For the same reason—*public necessity*—the State should establish institutions for the qualification of *Teachers* for the far more important work of leading the children of our country in the path of virtue and intellectual greatness. How cheerfully the State will appropriate thousands of dollars for the quelling of a mob or insurrection. Why then should they refuse to appropriate a few thousands in educating men and women, who would be the means of guiding the spirits of mobbery and rebellion to order and subordination. The Teachers are to be paid out of the public funds. To whom shall it be paid? To men and women qualified to guide the important interests committed to their training to the best and noblest end?—or shall it be paid to "blind leaders of the blind;" ignoramuses, who care only for the money? I care not how you may surround such a teacher. You may put him in a palace as gorgeous as the position of Louis Napoleon, with every accompaniment that art and science can furnish, with the rules and maxims of the past, and his school will be a burlesque—a farce.

Ask yourselves the question—What is a Teacher? What makes him qualified for his duties? What work has he to perform? Who are dependent upon his influence through life? What interests are at stake? Is an immortal mind to be trained for taking his stand amid millions—on whom his influence will be undying? And who is to accomplish this glorious result of making him a fully developed man? Upon whom rests these immortal responsiblities? Look at other States, and see what they have done and are doing. Shall Kansas adopt that narrow, niggardly policy of intellectual starvation so commonly adopted

by our neighbors of the sunny South, or shall she pattern after the glorious and world renowned policy of New England, of Free Schools; where teacher and pupil are free taught, and where they raise or *grind* out free men.

Teaching is as much a profession as any other, and the *art* is as hard and difficult to be acquired as that of the Physician, Lawyer, or Carpenter. Must your Carpenter have learned his trade before you will permit him to build your barn?—and will you permit the self-constituted School Teacher to build up the future of your sons and daughters? Before you would suffer a Blacksmith to drive a shoe on your horse, you must be assured that he has learned his trade well. Is your horse of more value than your boy, that you will give him into the hands of a man unskilled, untaught in even the first rudiments of knowledge, to be trained up for manhood and immortality? Remember he will leave his mark, be he ever so dumb. Let wisdom take the place of neglect. Educate your Teachers, that they may educate your children. Only Normal Schools can do this. Examine the subject; ponder well, and then *act*.

TEACHERS' INSTITUTES.

In the absence of Normal Schools, there should be some provision made for the assistance of teachers, in sustaining *Teachers' Institutes*. I know of no place where a young teacher can acquire so much knowledge of his or her profession, in so short a time, and at so trifling an expense, as by attending an Institute. There should be one held in every county at least once a year, at which all the teachers of the county were expected, if not required, to attend. An appropriation of $60 or $100 a year would lighten the expense, and enable the teachers to procure the instruction of the best talent in the States. At such convention (as they might be called with all propriety,) teachers from different localities mingle together, giving and receiving the experience of years, and treasuring up funds of knowledge for future usefulness; learning from each other the best modes of government for schools; best system of instruction and plans of conducting recitations; with a thousand little, but all-important matters for the proper and successful management of the school-room. The teacher receives an influence from these associations which accompanies him to the school room, incites him

to greater diligence in his duties, and makes him feel the responsibility of his profession.

I need not urge the importance of this step upon your attention by lengthy argument, or citations to other authority, to confirm what little I have said. I speak from experience when I say that there is no greater auxiliary to the rightly understanding and fitting out the teacher for his high and responsible calling, than that of *Teachers' Institutes.* Mind speaks to mind, and the soul catches the fire of resolve, when he breathes the experience of his fellows, and listens to their success or failure. If the experience of the older in life is an advantage to the young, surely that of the experienced teacher should be to the tyro. It should not only be an experience meeting, but one where the best methods of instruction, government, and all things connected with common schools should be presented—and then, in a few years, we would have teachers and schools worthy of any people.

QUALIFICATION OF TEACHERS.

The standard of qualification for teachers in our common schools should be raised as soon as possible. It may be found necessary, for a short time, to employ some who are deficient in many of the essential particulars which go to make up a good teacher; but that necessity should be done away with as soon as possible. Let the standard be raised, and we will not only have good teachers flocking into our country, but our young men and women at home will qualify themselves for the position. There is nothing more to be dreaded, in any community, than an ignorant school teacher. It is a calamity on any neighborhood, more to be dreaded than a pestilence. The one may strike down some of your children, but it will leave them untarnished; the other will poison their very being, and perhaps ruin them for life; he will leave a blight that time cannot eradicate.

Let the standard be raised and kept up. Let ignorant men and women learn that they cannot receive our money for the privilege of spoiling our children—for I do hold that improper instruction is spoiling, and worse than spoiling; it is destroying them. If "a little learning is a dangerous thing," certainly, when the little is bad in itself, it becomes not only dangerous, but positively injurious to the community. Then avoid it in time.

And here—I do not confirm this standard of qualification to intellectual education simply, but I take in *physical and moral education*. The teacher should understand the laws of *Physiology and Hygiene*. He should understand how to educate the body as well as the mind. Let Physiology be taught in all our schools, along with Geography and Grammar, so that our children may grow up healthy and robust.

And in reference to Moral education: Rather would I follow my son or daughter, dear as I love them, to the silent tomb; rather would I stand and listen as the clods of the valley fell on their coffins—hiding them from my sight forever, than to commit them to the instruction of a bad, unprincipled man or woman. The teacher who does not fear God—who does not reverence his holy word—is more to be dreaded in our schools than the *rattlesnake* or the *mad dog*. We do not want sectarian instruction or denomination *teachers*, but we want such as possess moral principles: such as have a fear of God before their eyes, and the good of their pupils in view. Infidelity may be tolerated in politics or commerce, but not in the school room. Where is the parent that would commit his child to the care and training of a teacher who looked upon virtue and vice in the same light; who condemned sin only because it was found out, and brought on the penalty of the civil law; who looked upon theft as honorable as honesty—if concealed—like the ancient Spartans, who admired the courage and cunning of the thief, who could steal the most, and still keep it secret. We want teachers who will encourage virtue for virtue's sake; who will inculcate the principles upon which our government is based; those principles which we only find in the book of Divine Inspiration, and which has made our government what it is, and our people the freest, and happiest, and most enlightened of all the nations of the world.

I would make order and cleanliness a qualification for a teacher, as well as intellectual and moral culture. Let us have teachers who are guides and patterns to our youth; and not stumbling blocks and blind guides. Let us have such as will lead them up to higher attainments in knowledge and gentility, and everything that will make them fitted for filling their appropriate sphere in society; and then will we be doing what we can

for the good of our posterity. Let us raise the standard; raise the remuneration, and hold out such inducements as will bring to our country the right kind of talent. Better only to have three months of good teaching in the year, than six or nine of poor, or even doubtful. Let our motto be—"HIGHER."

SCHOOL LIBRARIES AND APPARATUS.

Is Kansas destined to be one of the leading States in our confederacy? Does she desire to stand forth as an equal among her sisters of the free North and West? Shall she steer clear of the shoals on which so many other States and nations have shipwrecked? And will she avoid the sand-bars of stagnation, and its consequences—*disorder*—upon which so many have grounded, and are not launched yet? Then let her provide food for the intellect of her rising sons and daughters. Give them something to do at home; something that will make them men and women; something higher than novels; something more desirable than the saloons. Shall our daughters have to seek for literature among the soul-destroying influence of the unholy trash of the *Novelist*. Shall their tastes for reading be formed from the *Ledger* and *Mercury*, and like *satanic* productions? God forbid! Shall our sons, for want of better employment at home, seek the excitement of the saloon, the gaming table, with other dens of iniquity fostered and planted in their bosoms from the floods of impure reading to be met with everywhere? Shall we see them glide away from our embrace and perish in ruined dishonor, *and all because it would cost, perhaps, a cent on the hundred dollars of the property of the Territory, to provide suitable reading, and healthy and moral literature for our children at home.*

Look at the States of our Union, and choose the course that you will take. Which stands the highest in everything that makes a State great and glorious, honored and respected, wealthy in men and intellect, and, therefore, wealthy in everything? Is it New York with her millions of library books, or Virginia with with none? Is it New England with her public school libraries, free to all, or Georgia and the Gulf States? Let these facts be guides to you. The former beacon lights to guide you safe into the harbor of progress and success; the latter to warn you against the breakers amidst which so many States are floundering. Begin right, and the end will be glorious.

Let the school room be a place where the pupil will delight to study, not a cold and repulsive dungeon. If he is to learn about the nations of the earth, the truth of philosophy, and the art of computation, give him all the facilities in your power. Children learn quicker by sight than by faith. The eye is a surer medium to the child than the ear or the brain. Give him a hold of the first limb of the tree of knowledge, and let his eyes be open so that he can see where the next branch grows, and in all probability he will climb to the top; but blindfold him, and you may stand at his side and give him all the direction you can, and he will often fail, and in all probability become discouraged. Put into the schools such apparatus as maps, globes, cubes, squares, blackboards, &c., &c., and you will do more for the advancement of the pupil than by supplying an additional teacher. These things are indispensible to the prosperity of our common schools.

GRADED SCHOOLS.

We are now enabled to profit not only by the errors of other States in the management of their schools, but by the advantages which they have derived from their improved systems of education, and from none can we desire more or greater benefits than from examining and following their lead in adopting and rigorously sustaining *Graded Schools*. In calling your attention to this system of schools, and to the advantages to be derived from their thorough organization and management, I will state a few reasons with the arguments in favor of my recommendation.

Graded Schools are based on the principle of progress and merit; progress in study; advancement on the grounds of merit. The High School stands at the head, as the desired haven to which all are hastening. Every advancement from the Primary Schools, is made on the grounds of personal advancement in knowledge. Every higher grade acts as a stimulant upon the one below, and urges them to greater exertion in study.

Admission to the High School is considered as the "ultimatum" of all their hopes, and a promotion operates as a powerful incentive to greater diligence and untiring exertion. It wakes up the sluggard, stimulates the dull, and brings into play the powers of the studious. It quells the boisterous, sobers the rowdy, and instills a spirit of subordinatiou throughout the whole school. Progress in study is not the only inducement held out, but pro-

gress in everything that goes to make men and women of our children; morals as well as intellect; deportment as well as learning. It has a happy and growing influence on the lower schools by constantly holding out to them the prospect of advancement. It throws a kind of genial influence over and around teacher and pupil, rich and poor, older and younger, and all; while a harmony prevails, and a sympathetic feeling pervades the entire school. It opens a door where the poorest child can obtain admittance to the highest department; and not as an object of *charity*, but as a right, guaranteeing to him a *free* and liberal education far above his means, and, in all probability, beyond what he would ever be able to obtain any other way.

Then, it exerts a most happy influence upon society, by bringing in contact the families of the rich and the poor. It places them side by side in the school room, and says, "By your works ye shall be justified, and by your works you shall be condemned." The meritorious, though poor in wordly goods, is honored; while the negligent, though rich as Crœsus, is dishonored. It breaks down the barriers in society, and oversteps the threshhold of formality, pointing the child of poverty the sure road to eminence. It teaches that the true platform of American greatness is built, not on wealth and ancestry, but on honest worth; and that the highest position in our country is open to the meritorious, be he ever so poor.

It combines the advantages of the common schools with that of the highest academies. It lays the foundation and builds the superstructure of a thorough education—sending out a host of systematic teachers, grounded in the elements of education.

Graded schools are based on the true principles of Education. Then the sexes are brought together in the daily recitations, producing an influence which never dies out. New grounds of emulation are excited which transform the appearance of the whole school. It produces a lasting impression upon the mind, stimulates the parties to greater diligence in study, has a happy effect upon the character and conduct of every pupil. Politeness becomes a pleasure and a study rather than an irksome task.—Deportment in person and speech is cultivated as an indispensible accomplishment, while the gentleman and the lady are built up without any of that artificial dressing that false and hollow hearted etiquette of the Dancing School, where mannerism is ac-

quired Parrot fashion, and the *heels* instead of the *head* are educated.

It is essential to us, as a free people, that we be educated, all of every grade. It is a political necessity, Our government is founded and maintained on these principles. Our Republican institutions would sink into anarchy and confusion, if education of our people was neglected. As individual sovereigns, holding the office of every branch of government in our hands, we must be enlightened. The trial by jury demands educated men to fill such a sacred and important trust; as voter and ruler, as a free people, with a free press, demanding free speech and untrammeled conscience, we must be educated freely, liberally and thoroughly.

Such an education, the Graded School system promises to furnish, and that at a very low cost. Find me the town with a good graded school, properly organized with a good corps of teachers, and I will show you one that stands head and shoulders above its neighbor in all that makes a town prosperous. It adds more to the happiness, prosperity and increase of population, than a mine of gold would do. Men in moderate circumstances, with large families, and more especially the better class of mechanics, will generally select such a town, where their children can be educated, well knowing that if they can leave them no other inheritance, a good education will be a sufficient legacy.

In order then, that Kansas may stand out in her proper light before the world as a new and growing country, young, vigerous and progressive, let her engraft into her system of government every thing that will make her people intelligent, happy and prosperous, and by so doing she will be opening the way for the influx of intelligent men of every nation, attracted by the fame of her prosperity, and allured by the advantages to be gained from her institutions. For whatever will add to the character and influence of a country in the estimation of a sensible and enlightened people; will attract a class of of citizens, both honorable, industrious and progressive. Where is the town with such a grade of schools, and see if it does not carry with it a corresponding degree of influence among its neighbors. Like one of the foci of an eclipse, it sends out rays in every direction, unending in their nature, and undying in their character. Such a community respects itself and is respected by its neighbors. Instead of

sending forth its sons and daughters broadcast in the world, like barques on the ocean, helmless amid the evil surroundings and alluring by-paths to sin and shame, and ten thousand temptations, that are ever ready to lead them blindfolded from the path of virtue; it educates them at home, where they are under the guardian eye of friends and the paternal care, surrounded by home influence and the family circle. Such a town draws the young from the surrounding country, moulds their minds to habits of industry and diligence, and sends them out in the world to carry its influence to the ends of the earth. Such a plan is known for its good schools, its educated men, its enterprising citizens, Its young men make their mark in the world; fill many important offices of trust; are distinguished in the pulpit or at the bar; and are held up as beacons for others to steer by.

Let provision be made for every town in the Territory—having sufficient inhabitants—to organize and carry on graded schools, free to all; and let a thorough course of study and training be laid down and carried out, and Kansas will soon take the proper place in the educational phalanx of our confederacy of States.

COLLEGES AND UNIVERSITIES.

There are several of these institutions in active operation in the Territory, and their prospects for the future are brightening. Among these, the Leavenworth College (a report of which has been kindly furnished me by the Faculty, will be found in the Appendix,) may be considered one of the permanent Institutions of Kansas, and which is "designed to be the foundation of an Institution of the highest order, furnishing ample facilities for young ladies and gentlemen to secure a thorough classical and accomplished education." We need no other guarantee for the permanency and future prosperity of this College, than to state that the Rev. J. G. Reaser, Principal, formerly occupied the highly responsible position, as Professor of Hebrew and Biblical Instruction, in the Danville Theological Seminary, Ky., and, more recently, President of the Harrodsburg Female College.

A University has been established at Lawrence; a charter was obtained last winter. The Institution opened on Monday, the 11th of April, 1859, with encouraging prospects. A College building has been commenced, and will be completed some time next summer. Rev. Wm. Bishop, A. M., is now acting Presi-

dent, and C. L. Edwards, Principal of the Academic and Normal Departments. The Faculty of this University are men of great moral worth and high literary attainments, and have devoted much time and attention to the subject of Education. Professor C. L. Edwards will long be remembered by those, in his County, interested in the advancement of Common School Education, for the valuable service he has rendered during the last year, as Superintendent of Common Schools for Douglas County.

FEMALE SEMINARIES.

The character of our people is manifested by their enterprise in establishing institutions of learning. It is always a sure token of the success of a town or city, to see the people taking hold of educational matters personally, and pushing forward the cause by erecting suitable buildings, and sustaining teachers and professors in their work of education. I am not prepared to report fully concerning all the Seminaries established in our Territory. Rev. Mr. Shorts, of Atchison City, has erected a very neat two story brick building, which he has arranged and furnished very appropriately for a Seminary. The School has been in Session since the first of September, with a very good attendance. Many of the young ladies are from a distance, and board in the Institution. It bids fair to be a permanent and influential institution, and a standing advantage to the city.

The Leavenworth Seminary founded in May, 1857, by Miss Irene Perine, and now conducted by Mrs. M. B. Flagg, Principal, and Miss Venevery, Associate Principal. In this Institution "all the branches of female education are taught, including modern languages; Latin, Music, Drawing, Painting," &c. This Institution has steadily increased in influence, and widened its sphere of operations. A Seminary of this kind should receive the patronage of all the friends of female education.

GRADED OR UNION SCHOOLS.

In Leavenworth City, three Graded Schools are in active operation—for a full account see report in the Appendix. Atchison contains one Graded School, with four teachers, and over two hundred pupils. The organization is only in name, as they have no special provision made for their organization. The first advantage to be derived from these kind of Schools, is that of clas-

sification. All of the same advancement can be placed together, and taught in the same class ; in this way, one teacher can attend to fifty pupils; (yet this is much too large for one teacher,) if arranged in five or six classes, much easier than he could attend to twelve, if promiscuously classed. This advantage can only be made available in towns and cities, where from one hundred and fifty to two hundred scholars are in attendance; country districts cannot avail themselves of this kind of classification. The Graded School of Lawrence, is the oldest and perhaps the best regulated school of this kind, in the Territory. The graded system was put in operation in the fall of 1857, and since that time has been gradually advancing. It now numbers from one hundred and seventy-five to two hundred pupils.

It is to be hoped that many more of these Graded Schools will soon be established in the many thriving towns of Kansas.

PRIVATE SCHOOLS.

There have been *Private Schools* all over the settled parts of the Territory, in active operation, from three to six months, during the past Summer. When visiting through the Territory, I met with, or heard of them in every County, and by private information, and from what I know personally, I think we may with truth, put down as many private schools, not reported for the Territory as we have Public Schools reported; and if so, it will raise our number of schools to quite a respectable appearance. That I am not over estimating the number of Private Schools, I have the testimony of many of our County Superintendents to bear me out.

The Superintendent of Bourbon County, says: "Schools have been kept in most of our districts by private enterprise, and I am happy to say, that on visiting them, I have found a good degree of emulation pervading them." Other Superintendents make similar remarks concerning Private Schools—wherever in the Territory, from ten to twenty children could be collected, a school was taken up, and taught for at least three months.

Our people are a school loving people—take from them their schools, and you take from them the great bulwark of their freedom. Give them free schools and you may defy the world—Liberty and Education go hand in hand ; Education, moral, intellectual or physical, is the only atmosphere in which liberty can

live. Our *Free Common Schools—free to all* the inhabitants of the land, is the cradle of liberty, its birth place, and the only sure guarantee of its abiding with us.

While we give the people due credit for their private enterprise, let us do away with the necessity for such schools, by bringing the Public School within the reach of every child in our Territory. Let us hold out this powerful inducement, to those seeking new homes in the West—that if they cast in their lot with us, we will guarantee to their sons and daughters a good education.

INDIAN SCHOOLS.

In traveling over the Territory during the Summer, I learned that many of the Indian tribes were anxious to have schools established amongst them, in order that their children might be taught to read in our language. And while in Paoli, Lykins County, I understood that the head chief of the Indians in that county or those in the immediate vicinity of Paoli, had been talking about establishing a Boarding School, in order to accommodate all the young people of the Tribe. They have several thousands of dollars to set apart for that purpose by the General Government, which cannot be appropriated in any other way.

It would be well for the Legislature to pay some attention to this matter in justice to the people of the county, and in justice to the Indians. The experiment has been tried, that Indians can be taught. Then, when they have the money within themselves, ready and waiting to be used for this purpose alone, let us take some action and make some provision, so that they can derive some benefit from our civilization.

The Indian appeals to our humanity, to our higher intelligence for light. Let us take them by the hand, and lead them along step by step, until manhood takes the place of savagedom, until the superiority of our intelligence will have penetrated their darkened souls, and they will stand forth as men. The policy of past ages, and other States south of us, will not do for us, we must look ahead and not behind. Let us extend the benefits of our heaven given rights, and the blessing of civil and religious liberty to every inhabitant of our common country. They are al God's creatures, and have as inalienable rights to the soil as we or any others. I would suggest that inquiry be made concerning the wants of this class of our people, and when the means can be

furnished and the opportunity presented to open up schools for their education, that provisions be made by law for their education, separately or with others.

SCHOOL HOUSES.

In many parts of the Territory, very fine and commodious School Houses have been erected. This I was glad to see, and while I would give to those people who have manifested their liberality and intelligence due credit for what they have done, I would say, do not stop here, but go on and make it a place where your children will love to go.

Permit me to make a few suggestions, relative to School Houses, and the manner of building them.

1st. When you have determined to build, and are fully prepared to finish it at once, choose at least one acre of ground, as near the centre of the District and as convenient to the public highway as possible. Do not, under any consideration, choose low, damp ground, but let the site be as high and airy as possible; taking in as wide a view as you can.

2d. Let the house be built large and convenient, large enough to seat at least 60 scholars separately. Under no circumstances should a School House be built smaller. Make allowance for an income of population.

3d. In seating the house, great care should be taken, in order that everything may be convenient; and here I would say that it will cost no more to seat the house right than to seat it wrong. Not more than two pupils should be permitted to sit on the same seat, and it would be better to have the seats single, to avoid all unnecessary temptations to disorder. Let the seats be made higher and lower, so as to accommodate all sizes of pupils. The School Houses should be built with a recess or hall, along the end, of six or eight feet, so that the scholars could deposit their hats, bonnets, baskets, shawls, &c. One door, in the center, from the outside—but two leading into the school-room. The farther end of the school-room should contain a black-board all the way across; also, a vacant space of a few feet, for classes to stand during recitations, but not raised any higher. The teacher's platform and black-board should be between the doors.

4th. Let everything in and around your School House and grounds be characterized by order and neatness. Fence in your

house and grounds. See that they are all neatly painted. Plant ornamental and shade trees all around the grounds, and let it be distinctly understood that your teacher shall take charge of the School House and grounds, as well as the pupils. In this way you will foster in your children the habits of neatness and order. You will teach them to be cleanly and faultless at home; and you will do more to adorn the morals and well being of your sons and daughters in this way, than by daily sermons and lectures, and corrections from parents and friends.

Put a rowdy into a school-room where everything is neat and clean and orderly, and he will be not only afraid to act boisterous and rough, but he will be ashamed to injure or break the harmony of anything. While, on the other hand, put the best and most orderly pupil into a school-room where everything is topsy turvy, upside down—old benches, broken desks, &c., and his pen-knife comes out instinctively, as if such things were made to whittle and deface. I need not argue this point, for all who have, in any way, read human nature, know that this is so.

Then make your school-rooms sanctums of neatness. Let your children take pride in adorning them. Make them attractive by exhibiting maps, charts, and physiological plates around the walls. Let them be so surrounded that they will drink in knowledge at every observation, and when the eye wanders from the book or slate, that it may rest on something instructive. These silent educators will tell on the lives of your children forever. They will prove more lasting, in the end, than years of lecturing and admonishing. Never put your children into an old barn, or empty dwelling for instruction. Burn it down first, and in the end you will prove a benefactor to your country. Rather let your children go a year longer without school, than to brutalize them in such a place.

EDUCATION—PHYSICAL, MORAL AND INTELLECTUAL.

FIRST—PHYSICAL EDUCATION.

We cannot understand the nature of the relation that exists between the mind and body, but yet, that there is a certain connection and relation existing, no one of observation can doubt.

When the body is in an unhealthy state, it is the experience of every one who has been in this state, that he does not feel in a mood for study, or employing his mind to any particular subject.

It requires a well cultivated mind to concentrate its powers on any one particular subject, when the body is racked with pain. Walter Scott might have done it—did do it—but there are few such men, and it was only at intervals that he could do it. Now, as we know that such a relationship exists between the mind and body, as that when the body is diseased, the mind is less able to act, or to act with energy and efficiency, so we see the importance of having the body, which is the habitation of the soul, to be well fitted up; to be healthy; that the mind may act with more vigor and strength.

Providence has made it our duty to seek the health of the body, and has stengthened this obligation by forming this connection betwen mind and body, and it is necessary that we have health, that we may perform the duties to which He has called us. Persons may be too weak and delicate to attend to their duty, as for example, to attend church; and they will plead this weakness and want of health, as an excuse for their neglect. But we cannot find an excuse for it; either they or their parents are chargeable for their bad health. More than three fourths—not to say all—of the diseases suffered by the human family, are brought on them by their own carelessness, or by daring violations of the laws which God had ordained for health. Now, if we might have constitutions that could resist disease, or to overcome them, are we not guilty of self-murder when we neglect our health? If we unfit ourselves for God's service, are we not as guilty as though we openly withstood His command. If I cut off my hand because I do not choose to exercise it, am I not chargable with guilt when I thus unfit myself for performing the duties required, of providing for myself and for others. The cases are precisely similar. If I do not choose to trouble myself to preserve my health, and I thus unfit myself for duty, the demands of the law are not lessened, nor its penalties lightened.

This want of health tends to effeminacy of the mind.—There have been great minds in weak bodies to be sure, but so too, have there been drunkards that have lived four score years, but that proves nothing. No one pretends to say that all who possess great physical power, possess equal mental power. But so long as it remains true that disease of the body, has an effect on the exercise of the mind, it remains true, likewise, that the

mind requires a strong physical system that it may perform its part well on the stage of life.

But how are we to undertake the duty of bringing others to observe this law of health. Will we tell them that if they do not possess good health themselves their children will not be healthy? They think it folly for us to tell them that they ought to have good health. What they want is sympathy, not advice. We are in the hands of Providence, but He has established laws in the physical world, and if so, when we violate these laws, we are acting against our own interest. We are withstanding the power of Heaven—tempting God. If we observe the laws of his institutions, we may expect to have health, so far as it be for our good. We may look for punishment for the violation of any law, and is it not time we should learn obedience from the lessons Providence has taught, by the suffering endured by bad health, by the millions. We need deep lessons and long continued ones, before we learn these things.

To have good health we must be careful of it while we are young. It is then that the constitution is forming; and if the soft bones of a young child be bent out of their proper position they will be likely to grow out of their position, and the necessary result is, that some part of the system has not room or opportunity to perform its proper function, and thus the health is injured. A child ought, therefore, to be taught how to keep all parts of the body in such a position that each member of the body may perform its part well. They should be taught how to sit; but in order to do this, the seat must be prepared for it. It cannot be taught how to set its feet down, unless there is something to set them on. It cannot be taught how to lean on the chair, unless there is something to lean against. The child ought to be taught how to stand, how to walk, how to do everything that would effect its health.

To have health, exercise is necessary. It is remarkable that the physical constitution becomes more healthy by performing labor; we are told what our duty is: to provide the things necessary for sustaining life. Now, the performing of this duty strengthens the constitution of a man. Now, as the child naturally engages itself at something, it should have something to engage it, that will not let this restless feeling die away. If it be

kept at some kind of pleasing employment, or exercise, it will lead it as it were by the hand, to be a lover of labor, and so to be an industrious man. Idleness and indolence have destroyed the health and happiness of thousands. As exercise is necessary to health, why should children be confined for six or eight long summer hours, with only one hour exercise at the middle of the day. As a child is more easily wearied than those of advanced age, they should have more exercise; they should be left more free, that they may not injure their form, misshape the bones, or injure the spinal column. The young, that cannot employ themselves at reading, should be amused with a slate, or some such thing, for one part of their time, that a refined taste may be cultivated, while a great part of the time they should be permitted to leave the school room to engage in play. Those more advanced in years, can endure study for a longer time than those younger.

This principle of preserving health, argues against sending children to school too young. If we value the life and health of children, we should not send them to school before they know what the design is in sending them; that it is not to imprison them. When they are too young to be interested, the confinement is doubly injurious to them. If they were greatly interested in their studies, the time would neither seem so long, nor would it be so tiresome to them. Two men laboring together, enjoying each others society, will not become so much wearied as one by himself will. There is often a kind of fretfulness, if I may so call it, when one is alone, that exhausts his strength. So it is with children; the very desire to be free exhausts them; takes away their spirits, and begets a dislike for all study.

In order to health, persons must be cheerful. Cannot cheerfulness be taught. Why should schools be made a prison by a continued sourness of countenance, and "gathering of the brows as if to keep their anger hot." Is it not more fatiguing to school children to sit in school when all is dull, life gone, and the teacher puts on a countenance of terror, instead of one of friendship, than when there is life and pleasantry; when scholars see that the object of their meeting was for improvement, not to do penance. This cheerfulness and pleasantness, is not inconsistent with firmness of purpose and decision of character. Cheer-

fulness may be inculcated, taught; and nothing, perhaps, adds more to the health. Let the teacher buoy up the spirits of his pupils.

SECOND—MENTAL EDUCATION.

Under this head I would include the cultivation of all the powers of the soul.

God has created the world with many different objects for our contemplation. The world is not monotonous; there are hills and valleys, lakes and ponds. There are more varieties in all things than can at once be conceived, yet all is one great harmony; hence it is that we have so many different sciences, as Astronomy, Geology, Chemistry, &c. Now, are not the works of God worthy of our contemplation and study. It is then the duty of every one to acquaint himself with these things, and to educate himself by studying them. Study and meditation on these things produce an admiration of them, and hence of the character of their Maker. It is then a very wrong idea entertained by some persons, that if one has sufficient education to enable him to attend to his farm and trade, he may cease the work of educating himself further. The advantages that arise from a study of these things are numerous. By studying them we strengthen the mind. The exercise of any faculty of the mind, or any member of the body, strengthens the faculty or member thus exercised. There is another important end gained. It brings the mind to see more clearly the kindness of Providence to his creatures; shows his wisdom and power, and shows how great our privileges are; hence, all the different branches of education, as far as practicable, should be introduced into our common schools. Let the schools be graded, and then, according to age and ability, attention can be paid to these things.

For the improvement of schools there are several things to which there should be paid particular regard. The first thing that should be observed, or to which the attention of the people should be directed, is the school house. Another thing, the furniture of the school house. A well ventilated, cheerful-looking school house, well furnished, inspires the young with a desire to improve. It shows the children that their parents have a care for and an interest in them. It shows, too, that they have a sense of the importance of observing neatness and taste. Now, it is

perfectly natural for young persons, who are under instructors and under the government of their parents, when they see their parents and instructors show that they esteem anything to be important, to feel something of its importance themselves. They think it must be important when their superiors esteem it so, and they will be more careful to attend to it. If those who are older than they show by their actions, or in any other way, that they esteem anything to be unimportant, children will naturally feel they may give their attention to it or neglect it, as they please; and always where they have not an interest they will neglect it, and they cannot have an interest unless they consider it important. When the public show a great interest, it puts new life and spirit into the scholar. Is it not natural? Spirits are sympathetic. Dullness is contagious; so is life. Life infuses life.

Another important thing is, that one thing be attended to at a time, and the mastering of that thing. There is, perhaps, noth- that discourages pupils more than the want of a clear understanding of the subject in hand. They feel that that particular study is hard; that they cannot manage it; and the natural result is, they become discouraged; and they think that there is no necessity for an attempt to perform the task for themselves, and the study becomes a "drag." It is important, then, that the teacher cultivate in himself the art of communicating, and that he impress the scholar with a sense of the importance of mastering what he is at, of his encouraging him, and of showing him that "haste is not always speed." Parents, too, should not be continually asking the child, "How FAR have you progressed," and then express astonishment when it has not progressed as far as they had expected or could have desired. Is it taken for granted that the teacher know's the child's ability? and this thing should be a matter between the parent and teacher, not between the parent and child. Parents should examine as to knowledge and thoroughness, and they should never discourage a child. Children should be taught that they do not possess all knowledge, and that they should respect their elders; but at the same time they should know that they may acquire knowledge by diligent study.

But in the education of youth, order and system should not be forgotten. The kitchen girl may learn system at school that will be invaluable to her in after life. The farmer boy may be so in-

structed that he can economize his time, and have much time to read. In school there are often, if not always, scholars who show that they have been brought up in confusion. There is confusion in their studies, in their plays, in all their actions. The teacher should instruct them to observe order in all things. This faculty of the mind—order—may and should be developed by the teacher. He should, therefore, have a time for each scholar to engage in each particular study and exercise. If the scholars show restlessness under it, no matter; they will soon learn patience. This branch of education is too much neglected.

Parents and teachers often require of scholars too much labor. The mind can be surfeited. It needs relaxation as much as the body; they follow the same laws. The mind should not be overtaxed, nor wearied. The teacher should give the scholar something that will interest him, and sound sense to establish him. Give him nobility and manhood; dignity of character.

THIRD—MORAL EDUCATION.

MORAL EDUCATION comes under the head which we have been discussing. This is a subject, the importance of which cannot be too strongly impressed on the minds of the people, and particularly on the mind of the youth. It is this makes the man; this that assimilates to the character of Him who is Goodness and Truth. It exalts the character; dignifies actions; begets and cements friendship; binds together society; creates peace, harmony and love.

There is a connexion between physical and moral education, hence we find that when persons have particular complaints, they become peevish and unsociable; health, then, has an effect on the morals. Peevishness is not consistent with Christian morality, much less with religion. The very nature of the Christian religion is to beget cheerfulness. "Be of good cheer," is the command, hence this is an important consideration why care should be taken of the physical constitution. All diseases of the body, as mind is connected with the body, must necessarily operate against the religion of a people. The goodness of God leads to repentance. God blesses afflictions to his people, to be sure, but there is nothing in the afflictions themselves that have a tendency to create love, but only as they are blessed by a beneficent God. He sends afflictions on his people sometimes to teach them de-

pendence, and to be humble; but it is because that by affliction they are led to reflect on his goodness and justice.

Intellectual education bears strongly on the moral. A man unacquainted with the laws of nature, morality and religion, that knows nothing of the harmony and regularity with which the different parts of creation act, the relation of cause and effect, cannot have any very exalted conception of the Divine character. The rational mind cannot but approve of truth, whether learned from nature or the revelation of the Scriptures. The murderer will not profess to approve of murder as a principle of right, and a murderer does not admire the character of a murderer. Where there is not approval and admiration, there is not knowledge, and the more persons know of truth, the more they will admire it, and it must influence their actions. If they violate truth, it is because that they forget it for the time. An admiration for harmony, in its very nature, is opposed to strife and war, for these are deviations from the laws of harmony, crooked paths that lead from the living way of truth and religion. The wisdom, as revealed by the spirit in the heart, is peaceable.

Taste, to which we before alluded, has a great influence on the morals, hence it is an almost indispensable thing, in order to have a good school, that the school house should be tasty and neat. Refined taste and ruffian revelry are opposite in their nature. To cultivate taste, singing and such arts as calisthenics, should be introduced into schools, and it is well to have landscape paintings conspicuous on the walls, as these will be admired; so it leads the mind from evil dispositions.

The truth as contained in the Bible, is the foundation on which society is builded. There is not a law for the union of society, but is a scripture law. It is the source of virtue, morality and religion, and why then, should it be shut out of our common schools. Are we afraid to have the word of God read to children, or to have them read it? Was there ever an instance in which it wrought evil? The scripture revelation is of such a character as to suit every capacity and every age. Many of its lessons are given in historical form, to suit the young and weak, and there is no avenue of the heart which they may not enter, light up and cleanse. We do not ask for a comment on the Scriptures, but that such portions be selected as the pupil may

understand, scripture to suit the unlearned and the learned. Can any people, then, refuse to let children's ears hear the voice of the great God who is addressing them in His word.

Their very presence, like the voice itseif, is calculated to beget an awe in children, by reminding them that there is one who is either approving or disapproving their actions. Let this word be treated with reverence, and it will doubtless have an influence on the morals.

The very fact that the teacher has given the Scriptures to be read, shows that he has a regard for them, and he by this means, gives his own example of reverence for them to his pupils, which will have an influence on them.

The great reason that there is so much complaint at this day, of a want of politeness in scholars, is because the Scriptures are neglected. Where you find religion, you find politeness, for the Scriptures teach politeness. What is politeness, but the doing to others as you would have them do to you.

Now is this not an important branch of education? Do I insist too much on this branch being studied—this branch on which depends the peace, happiness and safety of our people? I think no historian or philosopher will decide that I do.

REPORTS OF COUNTY SUPERINTENDENTS.

I have received reports from but fifteen out of the thirty-five organized counties of the Territory. Some few of these reports have been as full as could have been expected, while others are unintelligible to me. Many of the Superintendents have done their duties well, while others appear to be entirely ignorant of what even a report is. Some of them, instead of reporting, send information; others have been unable to find anything to report, while still a few of those who have made the attempt, fail to give any information on the condition of the schools, or anything about them. In order that you may see the material from which I have had to gather my report, I will here present some of the County Reports.

I do not present them for the purpose of ridicule, but to let County Superintendents, in future, learn to get up their reports with more care and better taste. If they are qualified for examining teachers, surely they should be able to write a Common School Report.

The following Report is the last and most complete one received, and shows that the writer has tried to do his duty, and has done it well. If all, had used one half as much exertion in doing their official duty, your report would have been full and highly encouraging. This shows us what could have been done.

It will be seen by looking at the reports, as exhibited in the appendix, that Douglas county has made the fullest and most satisfactory report. And I would further state, that it exhibits at a glance, the whole footing up and total amount of each column in the table, accompanying this report. Such a report is not only desirable, but what is necessary in order to exhibit a complete report.

DOUGLAS COUNTY REPORT.

Annual Report of the Superintendent of Common Schools for the County of Douglas, K. T., for the year 1859.

On assuming the duties of my office, I found only five organized districts in which a three months' school had been taught. It being late in the winter, (March, 1859,) it was necessary to put forth every exertion to prepare for summer schools. Districts were to be organized; teachers to be procured and qualified; school houses to be fitted up, and everything done from the beginning. On the first of June, thirty-one districts were legally organized, in twenty-seven of which a school was in session.

All these have completed a three months' term creditably; many of them highly satisfactorily, and some with complete success. Owing to the limited time in which all this was necessary to be accomplished, and the extreme scarcity of money, it was impossible to obtain a first class teacher for every school; accordingly a lower standard of qualification was accepted than under other circumstances would have been imperative, and for which, in future, there can be no excuse.

The people have responded generally and earnestly to the demand for *Free Schools*, and, with rare exceptions, have acted promptly, to the extent of their means, efficiently to establish in this new country, a universal system of Education. The duties and labors of the office of County Superintendent are more irksome, and the result less satisfactory, owing to the incompleteness of the present laws. Much confusion arises in the minds of District Officers, in regard to their rights, duties and powers, and consequently a multitude of questions are referred to the Superintendent for decision. On many points it is difficult to arbitrate their queries, and say—"Thus saith the Law,"—the only tenable position of all justices.

The County Superintendent should also have the power to administer the oath of office to District Officers; and further, his salary should be fixed by law, if possible, no longer leaving him to the mercy of a County Board of Supervisors, many of whom have no adequate idea of the amount of labor devolving upon that office, and necessary to the successful developement of the cause of popular education in our midst.

Respectfully submitted,

C. L. EDWARDS,
S. C. S. Douglas County.

Lawrence, Nov. 10th, 1859.

Accompanying this paper was a table, showing the number of districts, with an abstract of their reports, the footing up of which will be found in the Appendix.

The next Report comes from Anderson County, and is presented in a very satisfactory manner, accompanied by a table, exhibiting the statistics of the County, as far as reported.

REPORT OF ANDERSON COUNTY.

GARNETT, Oct. 18th, 1859.

MR. S. W. GREER—*Dear Sir:* I have given above as good a tabular view of the Public Schools in our county, as I could, from imperfect District reports which I obtained. The different School Boards were very tardy in reporting, and some of them have not yet reported. The people, confused with the School Laws of the different States, from which they removed here, do not seem to comprehend our own School Law, or to be active in carrying out its provisions. The experience of a few years, it is to be hoped, will remedy this evil, and enable our citizens to carry out the provisions of a Law which, when legislatively perfect, and faithfully executed on the part of the people, is the glory of of a wise government and an intelligent people.

We report 558 children; of them, 227 have had the benefit of the Public Schools. The amount of money raised for the Public School, in our county, is $300.

Yours truly,

JOHN R. STENTZ,
Co. Sup. Com. Schools.

The next report that comes to my hand, is from the Superintendent of Common Schools for Leavenworth County. It is the most lengthy document of the kind received, and speaks more for the legal ability of its author, than for his experience in making

school reports. (For some very appropriate remarks, see Appendix.) It occupies eight pages of foolscap, all closely written.

A report should be as much condensed as possible, in order that its contents could be taken in at a glance. District reports should be presented in a tabular form and the result footed up. They fill half a dozen pages with matter that could be put on a few lines, in a tabular form. While the former method is scarcely intelligible—the latter is plain to every one.

The great difficulty among the people, in reference to carrying out the School Law, is its ambiguity. The law should be plain, and printed so that every man of common intelligence could understand it. So in reports, we want the facts arranged and stated so that all can comprehend them, without having to sit down, pencil in hand, and note the items and cull the facts, as he reads page after page of verbiage, all good enough in itself, —but of no manner of use to the public. Be concise and to the point.

The next is a Report from Jackson County, which speaks for itself:

REPORT OF JACKSON COUNTY.

HOLTON, Jackson County, K. T.
October 13th, 1859.

MR. S. W. GREER:—*Dear Sir*:—In accordance with the common school law of our Territory, I enclose you my annual report for the county of Jackson, K, T., for the year A. D. 1859. You will, no doubt, conclude, and that reasonably, too, upon receiving said report, that little has been done. But, upon being made acquainted with the surrounding circumstances, you will, I have reason to believe, agree with me when I say that all has been done that could have been. Our County Superintendent elect having failed to qualify, the office became vacant. The inhabitants of the county, feeling that it was necessary for their own interest, as well as the interest of their children, to have the county laid off into districts, made application, last June, to the County Board of Supervisors, praying them to appoint, or rather commend some suitable person to the Governor, to be by him appointed to said office; and I fortunately, or unfortunately, as it may have been, happened to be the person of their choice. It necessarily required time for me to qualify and acquaint myself with the school law and interest of the county, consequently there has been but little time for me to operate in, and so it has been for the officers of the districts that I have formed; hence, the reason why more reports have not been received, and my report

showing so little accomplished. Trusting that the next annual report of this county, whether made by myself or my successor in office, will show the effect of labor well applied and time well improved,

I remain, most respectfully, yours,
IRA I. TABOR,
Co. Supt. of Schools of the County of Jackson.

With this comes another separate Report, saying that they have eleven districts, and 296 children.

The next Report is from Nemaha County. It may look better in print, and prove more intelligible to you than it does to me.

REPORT OF NEMAHA COUNTY.

ALBANY, Nemaha County, K. T.,
October 1st, 1859.

SAMUEL W. GREER, ESQ., *Territorial Superintendent of Common Schools of Kansas—Dear Sir:*—Having held, by appointment, for a brief period of time, the office of County Superintendent, for the county of Nemaha, I submit to you the following brief report:

Suffice it to say, but for extremely feeble health, more school districts would have been located in the county than there have been, though all requests of that nature have been complied with. There have been schools in operation, for a portion of the season, at Albany, Sabatha, Capioma, Granada, Seneca, Farmington, Ashport and in a district located in Rock Creek Township, embracing the East half of Congressional Township No. 2, Range No. 14. I have visited the schools at Albany, Sabatha and Capioma, and found them in as good a condition as could be expected in this new country.

To answer the first question in the report to be made, one school district has been formed, embracing Township one, (1) Range fourteen, (14) Nemaha county, and six contiguous sections in Range fifteen, (15) Brown county; also one embracing the East half of Township two, (2) Range fourteen, (14) Nemaha county. The first is known as Union District No. one, (1) Brown and Nemaha counties; the second, as District No. one (1) Nemaha county. The second question I have no answer to make to. Third, there has been only one qualified teacher in the county, whose term for teaching, has not yet expired. Fourth, no public money has been received in any of the districts. Fifth, I can give no definite answer as to the number of children between the ages of five and twenty-one, in the localities in which there have been schools. Sixth, seventh and eighth, no answer can be given to these questions, inasmuch as everything apper-

taining to the schools is in a chaotic condition. My successor in office will, I hope, be able, in his annual report, to mention some degree of progress in the schools of this county.

This brief report of the existing state of things, relative to the schools of this county, is most respectfully submitted.

JOSEPH C. HEBBARD,
Superintendent.

Such is the sum and substance of the report from Nemaha county.

The next is a letter of inquiry in place of a report:

SUPERIOR, Osage Co., K. T.,
October, 20th, 1859.

To the Superintendent of Public Instruction of Kansas Territory—SIR: There are a few things in regard to school matters, of which I wish to be informed. 1st. Is there any public fund in the Territory, from which districts can draw, which have had schools according to law?

2d. Is it the business of the Superintendent, to see the school lands are not trespassed on, by removing timber, coal, etc., etc. Have any provisions been made by the General Govarnment, by which school sections settled on before the survey, and now pre-empted, are to be replaced, either by money or land?

An early reply to these inquiries, adding such other information as you deem advisable, will be thankfully received.

Osage county, as you are aware, embraces only a small strip of land open for settlement, and was only organized last spring; hence but little has been done with regard to schools. Only two districts have applied for organizations. The one has a teacher employed for the winter, the other has a teacher ready to commence a school, and as soon as the officers are chosen, can be employed as a public school teacher.

SAMUEL BUSH,
Sup. Com. Schools.

These are but specimens of what have been sent to this office as reports. Credit is due some of the Superintendents for their exertions, while others are worthy of censure. Yet we should not be hasty in our censures, for when we take into consideration the unsettled state of affairs, and the position many of the Counties have been placed in by the Judicial decisions of the Territorial Judge, we will not be surprised at their want of action. Many of the Counties failed to collect taxes for any purpose whatever, while others could only collect on personal property. Where such was the state of affairs, we could not expect Super-

intendents to labor without even the hope of remuneration. Private schools have been taught in most, if not all of the Counties, but these the Superintendents did not see proper to report. Other difficulties have interfered with their discharging their duties, that will not be in the way hereafter, and next year we may look for full and lengthy reports from all the Counties.

Many Counties have failed to send in reports; Counties in which I know that good schools should have been in operation for several months during the summer. Why they have not given any account of themselves, I am unable to say. I do hope that such a law will be passed, concerning this thing of school reports, that will make every one come up to the work, or forfeit their salaries. I do think that this is the proper, and only way, to obtain correct reports, and let them all be vouched for by their respective framers; and in order that there might be no excuse for a failure in this particular, I would recommend that the Superintendent of Public Instruction be authorized to furnish, at the public expense, every school officer and teacher, up to County Superintendent, throughout the Territory, with *printed blanks*, showing what is required to be reported; also, accompanying each blank, a plain statement of what the duties of each officer are. Let the County Superintendents forward the blanks to each District Officer, and supply each teacher with a blank, to be filled up and handed in at the close of his school, and let the law be enforced, and we will soon have a full report from all our Counties. This is an important feature in our School System, and demands immediate attention. Let each officer know his duty, and be required to come up to it or forfeit his pay.

S. W. GREER,

Superintendent of Common Schools for Kansas Territory.

Leavenworth City, Dec. 31st, 1859.

APPENDIX.

ABSTRACT OF THE ANNUAL SCHOOL REPORTS OF COUNTY SUPERINTENDENTS.

COUNTIES.	Number of Districts organized.	No. youths between the age of 5 and 21.	No. of children enrolled in the schools.	No. of months taught in the year.	No. of Dist. in which schools were taught.	Amount of money raised to build school houses.	Amount of public money for schools.	Amount of money raised by private subscription.	No. of Dist. reports handed to Sup't.
Anderson,	13	558	227	25	12	371.60	300.00	497.09	7
Bourbon,	7	74		12	6				2
Douglas,	36	1,805		92	33	860.33	950.00	7.44	33
Franklin,	10	226			7				6
Jackson,	11	396							
Jefferson,	18	447	185	33	12	456.34	787.50	15.50	7
Johnson,	25	543	274	36	16	1,308.00		8.44	13
Leavenworth,	32	1,436	730	60	24	3,368.75	4,816.17	8.18	12
Lykins,	11	144	52	21	9			60.00	4
Nemaha,	6	180	180	20	8				
Osage,	2	50			2				
Pottowattomie,	6	182			5	9.00		30.00	3
Shawnee,	14								
Brown,	4	204	95	15	2	980.00	3.80		2
Atchison,	24	591	396	33		700.00		3,675.00	
Doniphan,	3	165	44	3	7				
	222	7,029	2,087	351	136	7,045.23	6,233.67	6,883.50	88

ADDRESS TO STATE SUPERINTENDENTS.

OFFICE OF TERRITORIAL SUPERINTENDENTS,
LEAVENWORTH City, K. T.,
Dec. 28th, 1858.

To the State Superintendent of Common Schools:

DEAR SIR:—Our Common School system is yet in its infancy, and is susceptible of many improvements. It is my desire to gather all the information I can on the subject of Common Schools, for the purpose of aiding, as far as possible, in the perfecting of our system. In the pursuit of that object I am compelled to intrude upon your kindness, with the request that you will send me at your earliest convenience, a copy of the School Law for your State, or any other documents relating to Common Schools. I shall also be pleased to hear any suggestions you may have to make upon the subject yourself.

I am, very respectfully, yours,
S. W. GREER,
Ter. Supt. of Common Schools.

[REPLIES.]

STATE OF MICHIGAN.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION,
LANSING, Jan. 7th, 1859.

Hon. SAMUEL W. GREER, Supt. of Common Schools, Kansas Territory,

DEAR SIR:—In response to yours of Dec. 28th, I have ordered to be forwarded to your address, a copy of the School Laws compiled by my predecessor, and also a copy of his report.

The opinion is gaining ground among us, that our system would be improved by making each Township a School District after the manner of Ohio or Pennsylvania. The minute subdivision of our Territory into independent school districts, is a fruitful source of confusion, and oppose a formidable barrier to many needful reforms. Our system of inspecting teachers and schools is generally conceded to have failed of its purpose, and we shall doubtless change within a few years, to the plan of a County or Senatorial Superintendent.

We have a bill before our Legislature now in session, drafted by myself, to change our Township School Libraries to District Libraries. I will send you a copy when it comes from the Printers.

Yours, respectfully,
J. M. GREGORY,
Supt. of Public Instruction.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
MADISON, Wis., Apr., 1859.

Hon. SAM'L GREER, Supt. of Common Schools, Leavenworth, Kansas.

DEAR SIR:—Amid my multiplicity of cares and labors, I fear I have neglected the receipt of your favor of the 28th of December last.

In a few weeks we shall have out a new edition of our School Law, when a copy will be sent you. My report is substantially all that I could suggest with reference to Educational systems, and their practical workings. Would that you in the very inception of your school system would avoid small districts and joint districts—the Township mode of government, as I have endeavored to show in my report, is the true system. We shall undoubtedly adopt it here another winter, when our Legislature next meets.

Normal Schools cannot be too highly estimated, or too early provided for. School Libraries too, should be established as soon as possible. Here in Wisconsin we have lost in Common School Education and School Libraries; our past ten years ef-

forts mainly misdirected, I hope you will profit by our experience.

We will probably adopt the County Superintendency and a Country Examining Board.

Very truly yours,
LYMAN C. DRAPER,
State Supt. of Public Instruction.

OFFICE OF SECRETARY OF THE BOARD OF EDUCATION,
DES MOINES, IOWA, MARCH 14th, 1859.

HON. S. W. GREER, Leavenworth City, K. T:—*Dear Sir* :—I am in receipt of your favor of the 16th ultimo, and send you, by this mail, in a separate package, our School documents.

You have the basis for an excellent School System—nearly double the land we had—but the great secret is in starting right, and as you are now about taking the first step, allow me, from an experience of twenty years in our own State, to make a few suggestions.

Do not attempt to establish your School System until you have provided the means to keep it in *successful* operation. The first step is to provide for the disposition of your School Lands and the management of your School Fund. In doing this, I would establish a State Land Office for the disposition of *all your State Lands;* supply it with the necessary tract books, plats, &c., to enable the officers to manage its affairs with the utmost system and order. Place at its head a Register and Receiver, whose accounts should be so kept as to operate as a check on each other. Your State Treasurer might be *ex-officio* Receiver. Locate the Office at the Capital of the State, and require all business pertaining to lands to be transacted directly through this office, and avoid, if possible, any country agency in the matter, as it will prove a destructive feature in all your subsequent operations. So soon as your School Lands are designated by the U. S. Surveys, and placed under your control, have each section carefully surveyed into forty acre tracts, (except timbered lands, to which I shall refer hereafter,) and require the Surveyor to give an accurate discription of each tract, as to quality, and cause the whole to be made a matter of record in your Land Office. There fix a minimum valuation on each tract, dividing the lands into three classes—say $2, $4 and $6 per acre. Offer the land first at public sale, and let that remaining unsold be afterwards subject to private sale at the valuation. Sell for one-fourth in cash, and the remainder on a credit of ten or twenty years, with interest at the rate of ten per cent. per annum, payable annually on the first day of January, at the office of the Receiver. The *timbered* lands I would divide into smaller tracts —say ten, twenty and forty acres, and value them as the other

lands, but a good deal higher—say at $5, $10 and $15 per acre, and then sell them precisely as other lands, except that I would require the whole amount in *cash*, or the three-fourths payment well secured by mortgages on other lands. For the one-fourth cash payment received by the Receiver, I would issue State bonds, for the benefit of the School Fund, and payable to the Receiver and his successors in office, with ten per cent. interest, payable annually on the first day of January—that is let the State borrow the amount, which you will find very convenient in your early organization. The five per cent. fund, as we term it —that is the per cent. you receive from the United States on the net proceeds of the sales of the public lands within your State —together with the amount received from time to time on that portion of the lands sold on credit, I would loan to the Counties, and take their bonds, with interest, as in the case of the State. In case of failure to pay interest for two consecutive years, upon the part of those who have purchased lands on a partial credit, I would cause them to forfeit the lands and all previous payments. This done, you have your arrangements completed for the investment of your School Fund, and are ready to establish your School System. I would recommend a County Superintendent in each County. Make each civil township a School district, with a President, Secretary and Treasurer, as a Board of Directors, with power to divide their district into sections—a sort of sub-organization with one Director, for the convenience of establishing separate schools in the districts. Provide for the organization of all cities and large towns into separate districts, with more *extended powers* than in ordinary cases. Place over the whole a competent State Educational Officer, (with any convenient title you may select,) whose duty it shall be to lecture through the State; receive the annual reports from the County Superintendents; make the annual apportionment of School money; draw his warrant on the Receiver for the same, and transmit it to the County Superintendents, and to have the general supervision of the Educational Department of the School System. You can also provide for a small school in each County, to be collected by the County authorities, and paid over annually to the County Superintendent, for the use of the schools in the County in which it is collected.

I have thus given you a very imperfect sketch of my plan for the establishment of a system of Public Schools. The proper investment of your School Land is the most essential end to be accomplished. Of course my remarks all refer to the period

when you become a *State*, as you will then have unquestioned authority "to regulate your own domestic institutions," &c.

Hoping that the above may be of some service to you,

I am, very respectfully, your ob't servant,

THOMAS H. BENTON, JR.,

Secretary of the Board of Education.

COMMUNICATIONS FROM COUNTY SUPERINTEND'TS.

GARDNER, JOHNSON CO., NOV. 11th, 1859.

S. W. GREER:—*Dear Sir*:—I have made my report at a late hour, but I have been unable to perfect it before, as the District Clerks have been so dilatory. The Report is not as complete as it ought to be, but it is impossible to be entirely complete.

I hope the School Law will be amended so that one Trustee only will be chosen each year, so that, in time, they will hold office three years each. This is necessary, to give them a knowledge of their business.

Very truly,

C. STORES, JR.

LAWRENCE, March 24th, 1859.

HON. S. W. GREER,

Dear Sir:—What is your opinion as regards my duty under the 4th division of Sec. 15th, taken in connection with Secs. 19, 24, and the 1st part of Sec. 60, of School Law. Not a District was organized in the Co. till Nov. 13th, 1858. Not a Clerk's report has seen my office till to-day. But one District can have had a school of three months under a qualified teacher; and but one will have been organized three months on the 1st Monday of April. Canniff organized but five Districts, and I have laid out five more, not all yet organized.

What is to be done? Our schools need the appropriation, and how under these circumstances can it be made. We have $1800 in our County. The time for collection has been extended till the 1st of June. I am anxious these Schools already formed, and those that will soon be formed, should have some of this fund for summer schools. Under all these embarrassments, must our apportionment be made on the 1st Monday in April, (some say let the thing run till May or June,) if so, which of my Districts are entitled to it, if any, and what must be my basis. I have called for special reports to be made by all the Clerks, on the 31st inst.

Safford looked at the law, and gave a hastily formed opinion, that no apportionment could be made, according to the strict letter of the law.

Please inform me before the 1st of April, what ought to be done, and oblige,

Yours, truly,

C. L. EDWARDS.

PAOLI, Lykins Co., K. T., June 15th, 1859.

S. W. GREER, Esq.,

Dear Sir:—I hereby acknowledge the receipt of a number of copies of the School Law, which I have carefully distributed over the County. Considerable interest is manifested on the subject of Education here, and I am anxious to keep the ball in motion.

You expressed a desire to introduce the School Books officially recommended at as early a day as possible. I am anxious to co-operate with the book firm of Mr. J. M. Williams, or yourself, in the introduction of a uniform system of school books. It is very much needed. Emigrants coming from all parts of the Union are prejudiced in favor of the books they bring with them, and it is next to impossible to adopt a system of classification in our schools. What I wish to know, is the terms and price of books *for introduction*. Will orders from me be filled and forwarded? Must the money invariably be in advance? I would be anxious to examine the recommended English Grammar, Geogrophy and History—McGuffy's Reader and Ray's Mathematics, are here.

You will please inform me at return mail, what the price of books are, &c.

Yours, Respectfully,

H. M. HUGHS,
Supt. of Lykins Co.

ATCHISON County, Dec. 27, 1859.

S. W. GREER, Esq.,

Dear Sir:—I have found in this County a great prejudice existing against the system of free schools inaugurated, and while the efficiency of free schools greatly depend on their general adoption, it is unfortunate that there are communities that regard our present school law as oppressive and burthensome. It is needless to organize Districts in such portions of the County, unless you can get the practical co-operation of the Board of County Supervisors, in whose power is invested the right to *levy* a school tax, and by this means making it the interest, pecuniarily, of such communities, to maintain schools at the public charge.

Such co-operation however by the different Boards is uncer-

tain; and in this County, after having been petitioned for that purpose, have refused Legislation to assist our schools. So that in order to effect a general establishment of free schools, there must be a law making it the duty of the County authorities to levy a certain per centum, and this duty should be made absolute, taking the discretionary power they now have taken, entirely out of their hands, or otherwise there must be some radical change in the law, by which such opposition may be practically overcome.

Respectfully yours,

H. KUHN,
Supt. of Com. Schools for Atchison Co.

The information embraced under these several heads from first to eighth inclusive, is all I am able to communicate. I regret that it is so meager and illy filled, to aid you in the discharge of your more important duties. To the people the system is new. The officers of the districts are not always—perhaps not often qualified for the intelligent discharge of their duties. As a consequence, the business transactions of many districts become deranged, irregularities and dissatisfactions are some of its legitimate fruits, and not a little hostility to our system of free schools itself may be fairly traced to the same source. All this need surprise no one, for reasons too obvious to mention. Our people as yet are not homogenous—coming from all the different States, and subjected while here to scenes of which I will not attempt a description, it would be strange if they were; and an additional reason for this irrelative way may be, I think, fairly attributed to the defects in our school law. These, however, will soon be remedied by judicious amendments—time will quiet the public mind—the inhabitants of the Territory will become acquainted with each other. A State will soon be organized—as a new member of the great confederacy, new incentives to a high and honorable career will pervade the masses, and the great educational interests of the country thus promoted. Let no man therefore be discouraged in what as yet may be called "the day of small things." Be comforted, my dear sir, with the assurance there is a good time coming. All of which is respectfully submitted.

Dated at Leavenworth City, Oct. 1st, 1859.

JAS. TAYLOR,
Supt. of Leavenworth Co., K. T.

HIAWATHA, Brown Co., K. T., }
Dec. 27th, 1859. }

S. W. GREER, Esq.,

Dear Sir :—Yours of the 21st inst. was received to-day. I regret that my report did not reach you in season, but will send a duplicate, as it has been missent. You will find the report very imperfect, owing to the incorrect manner in which the Clerks of the several Districts have reported. There has been very little interest taken in matters pertaining to school affairs. As late as March last, there had not been a district formed. On account of the recent formation of the districts in this County there has been but little done, and there are consequently many items that do not appear in the report, that otherwise would. There appears to be of late more interest taken in school matters, and I hope that another year the report from Brown County will be more complete, and do justice to her people, and the cause of Education.

Yours, truly,
J. A. STANLEY,
Co. Supt. of Com. Schools.

October 8th, 1859.

To the Superintendent of Common Schools, for Leavenworth County:—In pursuance of the thirteenth section of the amended Charter for Leavenworth City, adopted February, 1859, I have the honor to submit the following report of the condition of the common schools of Leavenworth City. In November, 1858, the City was laid off into three districts, and schools commenced in each, under the special provisions of our City Charter. The organization of schools under this system is, of course, not yet complete ; but we are progressing and feel confident of ultimate success in raising the standard of instruction in our midst. Owing to the want of suitable buildings, our progress has been slow, and we are unable to give the completeness to our system that is desirable, yet we think the cause of eduation is advancing. Our schools have largely increased in numbers and efficiency. The interest in the minds of the parents is on the increase, as is manifest by the desire expressed by many of our citizens to have good schools, and by the fault found if things do not go well in the schools. Many scholars were taken from private, and put into the public schools. During the past year, two private schools have been given up, in consequence of the increased utility of the public schools. Our chief obstacle to educational prosperity is the want of appropriate buildings and sufficient room to accomodate the scholars.

It is to be hoped that the erection of a new building in some eligible location will claim the early attention of the School

Board. The rapidly increasing population of our City, will soon create the necessity of building a large and commodious house for the accomodation of the more advanced pupils; a sort of central school, which can be attended by scholars from each district, and be enjoyed by children of the same age from families of the most diverse circumstances, as to wealth; children of the rich and poor, side by side in the same recitations, participating in the same sports, not caring for the arbitrary distinctions which classify and distract society.

Whole number of public schools in the City, - - 5

SCHOOL DISTRICT NO. I.

Pupils on Register and attendance—

Males, between the age of 6 and 21 years, - -	85
Females, " " " " " - -	75
Total - - - - - - - -	160

Teachers during last year—

T. S. ROBERTSON, Principal, MISS NELLIE HAZEN, Assistant Principal.

Expenditures for ten months—

Salaries for two Teachers - - - -	$1,000
Rent for School-room - - - - -	250
Fuel and Furnishing - - - - -	110
Total - - - - - - -	$1,360

SCHOOL DISTRICT NO. II.

Pupils on Register and attendance—

Males, between the age of 6 and 21 years - -	68
Females " " " " - -	62
Total - - - - - - -	130

Teachers during last year—

MR. H. MCCARTY, Principal, MISS ROBERTSON, Assistant.

Expenditures for ten months—

Salaries for two Teachers - - -	$1,000
Rent for School-room - - - -	300
Repairs and Furnishing - - -	125
Fuel - - - - - -	60
Total - - - - - -	$1,485

SCHOOL DISTRICT NO. III.

Pupils on Register and attendance—

Males, between the age of 6 and 21 years - -	75
Females, " " " " - -	65
Total - - - - - -	140

Teachers during the last year—

MR. LANCING DAY, Principal; MRS. LYDIA DAY, Assistant.

Expenditures for ten months—

Salaries for two Teachers	$1,000
Rent for School-room	160
Repairs and Furnishing	35
Fuel	60
Total	$1,255

The Township Supervisors having taken advantage of a defect in the School Law, in reference to the distribution of the taxes levied and collected in Leavenworth Township for school purposes, we have failed to receive, in a great degree, that benefit from the school fund which it was designed to accomplish. It would be well to recommend the early attention of the Legislature to this defect in the School Law, that there may be no doubt in the mind of the public, as to the officer whose duty it is to disburse this Township fund, and thus prevent any advantage that might be taken by designing and unprincipled men.

GEORGE EINSTEIN,
City Clerk and ex-officio Clerk of the School Board.

LEAVENWORTH COLLEGE.

FACULTY.

Rev. J. C. REASER, } Principals.
Prof. A. S. ALLER, }
Miss JENNIE HUFMAN, Assistant.
Prof. C. E. POND, Teacher of Penmanship.
Prof. W. STRIBY, Professor of Vocal and Instrumental Music.

TERMS FOR YEAR OF FORTY WEEKS.

First Grade—Spelling, reading, etc.,	$20.00
Second Grade—Common English Branches,	30.00
Third Grade—Higher English Branches,	40.00
Fourth Grade—Classics and Higher Mathematics,	50.00

Music and Modern Languages, extra.

REMARKS.

This Institution was opened the last Monday in August, 1859, with sixteen pupils. Its growth has exceeded the most sanguine expectations of its friends, and at present it numbers considerably over one hundred pupils. Both sexes enjoy the advantages of this Institution; its founders being fully persuaded of the superiority of this class of schools. The males and females play and study apart, but recite in the same classes; thus, securing every advantage, and avoiding every objection of the strictly mixed schools.

It is designed to lay the foundation of an Institution of the highest order, furnishing ample facilities to young ladies and gentlemen to secure a thorough classical and accomplished education. To this end, none but thoroughly qualified instructors will be employed; and no reasonable expense will be spared to provide suitable apparatus, and other appliances, as speedily as possibie.

Regarding education as the development of the physical, intellectual and moral powers, *pari passu*, particular pains will be taken to guard the health of the pupils, as well as to inculcate true refinement and pure morality. It is hardly necessary to add that the Bible is made the standard, and recognized as the source of all genuine refinement and true morality. An extensive and well digested course of studies have been adopted; upon the completion of which, diplomas will be awarded to such as may sustain the necessary examinations. The course will be fully published in due time, meanwhile it may suffice to state that it embraces the entire range of studies usually pursued in the best colleges of the land.

It may be gratifying to many to be informed that arrangements are in progress, which will, during the coming summer, secure the erection of a suitable edifice for the purposes of the Institution; and it is to be hoped that a generous public will respond liberally to the call that will necessarily be made upon them, to aid in the great enterprise.

It would be imposing upon the generosity of our estimable Superintendent of Public Instruction, to whose enlighteued zeal in the cause of Education we owe the favor of this notice, should we do more than simply to commend the interests of the Institution whose name stands at the head of this article to all that desire to share the sacrifices and honors incidental to its wise and liberal founding. If the work be well done, it will tell powerfully in the moulding of our rising State; nay, it will be an increasing blessing to all coming generations.

M'CARTY HIGH SCHOOL, LEAVENWORTH CITY.

This institution was organized on the 28th day of November, 1859, under the most favorable auspices. The happy unanimity of feeling in the cause of Education, which exists between the people and the teacher, show, conclusively, that the future prospects of this institution are, indeed, flattering. We feel confident that, with the hearty co-operation of all interested in this school, we shall realize our most sanguine hopes; and that we shall see all the designs in our great enterprise fully met, among which are the sound mental and moral culture of our youth, and the preparation of them for the high and responsible position they will soon be called upon to occupy as American citizens.

The school year is divided into four quarters, (of ten weeks each.) The branches taught are Penmanship, Arithmetic, Geography, Grammer, History, Elocution, Analysis, Botany, Chemistry, Book-keeping, Algebra, Geometry, Latin, Composition, Declamation and Discussion.

It is a source of gratification to the friends of Education to spend an hour in this school, where the pupils undergo a course of healthy, intellectual training; where the powers of the mind, the glory of humanity, are daily marshaled and drawn out in their full proportions; where a firm and reliable basis is laid, upon which to build a moral and literary character.

We must educate. It is duty to ourselves and to our God; our political and religious institutions demand it of us, imperatively; and when once the proper method is pursued, this duty becomes a constituent element of our happiness, for nothing is more cheering than the prospective supremacy of the mind in a child while we are aiding its struggling faculties to comprehend aught. Very strict attention has been paid to the moral department of our pupils, and we feel gratified to know that our efforts to them morally, as well as mentally, have not been in vain.

OFFICE OF SUPT. COMMON SCHOOLS,
Leavenworth, Sept. 18, 1859.

To the County Superintendent:

You will see, by referring to the 8th section of the School Law, that it is my duty to make a report to the Legislature and Governor of the Territory by the last day of December, and, as it is very desirable to have that as full and complete as possible, permit me to recall to your memory the specific items which are required in your report, and to suggest that it is very desirable to have it forwarded as soon as practicable. I hope you will spare no exertions to have your report complete, that the result of our joint labors may furnish accurate and satisfactory information of the condition of the common schools in the Territory, up to the present date.

I remain yours, very truly,
S. W. GREER,
Ter. Supt. of Common Schools.

See School Law, Sec. 8th:

"He shall prepare, in each year, a report, to be submitted to the Legislature, bearing date on the last day of December in each year, containing: First, An abstract of all the Common School reports received by him from the clerks of the several counties in the Territory. Second, A statement of the condition of Common Schools in this Territory. Third, Estimates and accounts of the expenditures of the school money. Fourth, Plans for the improvement and management of the Common School Fund, and

for the better organization of the Common Schools; and, Fifth, All such matters, relating to his office and the Common Schools of the Territory, as he shall deem expedient to communicate."

RECOMMENDATION OF TEXT BOOKS.

In compliance with Sec. 5th of the School Law, I recommended for use, in the Common Schools of the Territory, a series of Text Books. For the purpose of putting the recommended list into the hands of District School officers, and establishing uniformity through the Territory, I issued the following circular, in March last:

RECOMMENDED SCHOOL BOOKS FOR KANSAS TERRITORY.

In accordance with the requirements of law, I give below a list of Text Books which I have recommended for use in the Common Schools of this Territory. The list embraces none but works of standard merit, and those which have met with general favor among our best educators. It is one of the duties of my office to recommend the introduction of the most approved Text Books, and as far as practicable to secure a uniformity in the use of Text Books throughout the Territory. To secure this uniformity, it is essential that I should have the cooperation of the District Boards, parents and all those interested in the cause of education. The effect of using uniform books, upon the character and efficiency of schools, is in the highest degree beneficial. The use of different Text Books, relating to the same subject, in the same school must interfere with a proper classification of pupils, on which much of the order and efficiency of schools depend. There must necessarily exist as many classes as there are books in use; and the unavoidable result of multiplying the number of classes must abridge the time and attention devoted to each. One of the greatest secrets of effective teaching consists in reducing the number and increasing the thoroughness of the recitations, by disposing the pupils into larger classes. The presence of a large number of fellow pupils creates a spirit of emulation, and gives importance and impressiveness to the learner. It also enables the teacher to bestow sufficient care to make the recitations more thorough and complete. The removal of pupils from one district to another—a change frequently occurring—must be attended with bad results, while different books are in use. Having become familiarized to one method of study, in the use of Text Books, the pupil is compelled to go back to the reacquisition of of the same branches, through a different channel, and is confused by the almost contradictory teachings of different books. Arguments in favor of a uniformity of Text Books in our schools might be multiplied, but space will not allow me to continue further. Our schools are yet in their infancy, but their prospects for the future are flattering. I am assured that our worthy Gov-

ernor, who, through his whole life time, has taken a great interest in the cause of education, will give the assistance in his power to the advancement of our common schools, and I earnestly hope to have the hearty co-operation of all others connected with the administration of law throughout the Territory.

Dictionary—Webster's Unabridged.
Readers and Spellers—Sander's New Series.
Geographies—Colton's and Fitch's New Series.
Arithmetic—Ray's Series.
Mental Arithmetic—Stoddard's.
Algebra—Ray's.
Geometry—Perkin's.
Surveying— "
Parliamentary Usages—Cushing's Manual.
Astronomy—Smith's.
Rhetoric—Newman's.
Mineralogy—Dana's.
Trigonometry—Lewis.
Philosophy—Parker's; Wells' Science of Common Things.
Chemistry—Wells' Principles of Chemistry.
Grammar—Welds'.
Composition—Quackenboss.
Elocution—Kidd's.
Analysis—McElligot's.
Physiology—Cutter's.
Botany—Gray's.
Evidences of Christianity—Alexander's.
Mental Philosophy—Abercrombie's.
Navigation—Mury's.
Political Economy—Newman's.
Penmanship—Payson, Dunton and Scribner's.
History—Willson's; Monteith's Youth's History of the United States.
Drawing—Coe's Cards.
Geology—Hitchcock's,
Book-keeping—Hanaford and Payson.
Moral Philosophy—Bible; Wayland's.

The School Teacher's Library is eminently worthy of the attention of Educators. The series consists of

Northend's Teacher and Parent.
Page's Theory and Practice of Teaching.
Mansfield on American Education.
De Tocqueville's American Institutions.
Mayhew on Universal Education.
Root on Amusement.

S. W. GREER,
Superintendent Common Schools.

Leavenworth City, March 30, 1859.

Mr. McMath moved that the report be read, and that five hundred copies be printed.

Carried.

Mr. McMath withdrew the motion, and

The report was made the special order for the hour of seven o'clock this evening.

Carried.

Mr. Blake gave notice that he would, at an early day, introduce a bill to exclude free negroes from coming into this Territory.

Mr. Lindsay gave notice, that he would introduce a bill to exclude diseased cattle from the Territory.

Mr. Parks gave notice that he would, at an early day, introduce two bills, one regulating county, and one regulating township officers.

Mr. Wood, from Special Committee, to whom was referred House Bill No. 4, entitled "An Act to amend an Act to incorporate the city of Atchison," referred the same back with the following amendments, and recommended its passage, to wit:

Amend section 7, by striking out the following words: "Wherein the penalty which may be imposed on conviction, shall not exceed fifty dollars;" also, strike out all after the word city, in the 7th line.

S. N. WOOD,
Chairman.

Mr. Wood moved that the rules be suspended and that the Bill be read the second time, which

On motion of Mr. Nelson, was

Laid on the table.

Mr. Wood moved to go into a Committee of the Whole, on House Bill No. 4,

Motion lost.

Mr. Nelson, from the Select Committee, to whom was referred House Bill No. 2, on the subject of taxes, reported that they had considered the same, and that they recommended the passage of the same with amendments, to wit:

Strike out "the first day of June" where it occurs, and insert "the first day of April," and add the following as the second section of said Bill: "That Jefferson county is hereby exempted from the operation of said law, and that section two as numbered in the Bill, be numbered section three."

GEO. W. NELSON,
Chairman.

Received and Committee discharged.

The Committee on Enrolled Bills, submitted the following report:

We, the undersigned Committee on Enrolled Bills, having examined the preamble and joint resolution, passed by the House and Council, upon the subject of adjournment of the present session of the Territorial Legislature to Lawrence, have examined the same and find it to be correctly enrolled.

EDWARD LYNDE,
S. G. ELLIOTT,
HORATIO KNOWLES,
W. A. RANKIN,
} Committee.

Mr. Lynde introduced House Bill No. 5, entitled "An Act to extend the time for the payment of taxes in Jefferson county.

Read a first time, and

Referred to a Special Committee.

Speaker appointed as said Committee, Messrs. Lynde, Brooks and Jones.

Mr. Scott introduced House Bill No. 6, entitled "An Act to incorporate the Iola Town Company."

Read a first time, and

Referred to a Special Committee.

Speaker appointed as said Committee, Messrs. Scott, McMath and Shively.

Mr. Brooks introduced House Bill No. 7, regulating an Act entitled "An Act to establish the office of District Recorder."

Referred to a Special Committee.

Speaker appointed as said Committee, Messrs. Brooks, Wood and Lindsay.

Mr. Lindsay introduced House Bill No. 8, entitled "An Act to establish a Territorial Road from Lawrence to Humbolt."

Laid on the table, and

Ordered to be printed.

Mr. Whitehead introduced House Bill No. 9, entitled "An Act to establish a Ferry at the city of Palermo."

Read first time, and

On motion of Mr. Wood, was laid upon the table.

Mr. Whitehead introduced House Bill No. 10, entitled "An Act to incorporate the City of Palermo."

Read first time, and

On motion of Mr. Wood, the Bill was laid upon the table.

Mr. Chandler introduced a petition of David Wilson and others for the permanent location of the county seat of Riley county.

Mr. Murphy introduced House Bill No. 11, entitled "An Act to create a Lien in favor of Mechanics and others, in certain cases."

Read a first time, and

On motion of Mr. Wood, was laid upon the table, and

Ordered to be printed.

Mr. Heath, from the Committee on Rules, reported the following:

MR. SPEAKER:—The Special Committee recommend for the government of this House, during the present Session, the parli-

amentary rules laid down in Jefferson's Manual, and, if any question shall arise, concerning which no rule is found in said Manual, the same shall be determined by reference to the rules of the last House of Representatives.

ERASTUS HEATH,
Chairman.

Mr. Bartlett moved to amend, by striking out "Jefferson" and inserting "Cushing."

Mr. Sims moved to lay the amendment on the table.

Carried.

The report was accepted and agreed to.

Mr. Nelson moved to proceed to the election of Second Assistant Clerk.

Pending which, the House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Clerk.

THURSDAY, January 5th, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Prayer by Rev. Mr. Moore.

Roll called.

Absentees—Messrs. Noel, Parks, Reynolds, Rankin, Sopris, Vanderslice, Whitehead and Wagstaff.

Journal of yesterday read and approved.

The special order was the election of a Second Assistant Clerk.

Mr. Elliot nominated Sam. F. Tappan.

Mr. McMath nominated Daniel Scully.

The vote being taken, resulted as follows:

Tappan, 22.

Scully, 11.

Mr. Tappan having received a majority of all the votes cast, was declared duly elected.

The consideration of the report of the Superintendent of Public Instruction, was

On motion of Mr. Wood, postponed until 7 o'clock this evening.

Mr. Wood offered the following resolution:

Resolved, 1*st*, That we regard the institution of slavery as a local institution, existing only by virtue of State laws, with which we, as a Nation, have nothing to do.

2*nd*, That the Constitution of the United States does not carry slavery anywhere, but leaves the people of the different States perfectly free to regulate their own domestic institutions in their own way, subject only to the Constitution of the United States.

3*rd*, That we deny the right of Congress or the Supreme Court, to force slavery upon Kansas, contrary to the wishes of the people of this Territory.

4*th*, That we deem it against the interest of the people of Kansas, to encourage the settlement of negroes in this Territory.

5*th*, That we urge upon the United States Government, the propriety of securing by treaty or purchase, a location in some one of the South American States, for the settlement of the negroes of the United States, with a view to the entire separation of the two races.

On motion of Mr. McMath, the resolutions were

Laid upon the table.

Mr. Tappan appeared, took the oath of office, and entered upon the discharge of his duties.

The following message was received from the Governor, by his Private Secretary, returning the Preamble and Joint Resolution, with his objections thereto, in reference to an adjournment to the City of Lawrence:

EXECUTIVE OFFICE, K. T.,
Lecompton, Jan. 5, 1860.

To the House of Representatives:

GENTLEMEN:

I herewith return the Joint Resolution which originated in your House, and passed January 4th, 1860, to adjourn the Legislature, and hold the balance of the present session at the city of Lawrence, with my objections.

Lecompton, where the law requires you to meet, is the Capital of the Territory, and as it is the custom and the law of the Nation, and all the States and Territories, for the Legislative Assemblies to hold their sessions at their Capitals, there should be some extraordinary reasons for the Territory of Kansas to be made an exception to the general rule. Do extraordinary reasons exist in this case? They generally consist of war, of pestilence, and of famine. Either one of these, or all combined, would be good and proper reasons for a removal, as the safety of the country would require the protection and preservation of the Legislative Authority.

We are at perfect peace with ourselves and all the rest of the world—hence war is not the cause of removal. No town, city or capital was ever more free from pestilence of every kind, than is the Capital of Kansas at this time; and surely no one is starving, for all the substantials which generally fill a good western city table are supplied.

The Preamble to the Resolution, it is true, sets out that there is "at the Capitol such a deficiency of suitable rooms, hotel accommodations, and other conveniences, as seriously to interfere with the progress of the Legislative business;" and in the resolution itself I find "that the Sergeant-at-Arms of the House of Representatives be requested to procure rooms, for the accommodation of said Legislative Assembly, in the said city of Lawrence."

The rooms now occupied by the two houses in this city, are much better than the rooms occupied by the two Houses last session, in Lawrence. They were built for the express purpose of accommodating the sessions of the Legislature, large and comfortable, of easy ingress and egress. Last session, the rooms furnished at Lawrence were so uncomfortable, that both branches of the Legislature had to remove into other buildings before the close of the session. Bad as the rooms were, the people of the Territory were taxed over $800 for their use, with back rents for the previous session, of $500 more, making in all, over $1,300. This

was put upon the people by way of increased taxation, for a few week's use of very uncomfortable accommodations. In your resolution, you give up good and pleasant rooms, and put all your security of getting any at all at Lawrence, in the hands of the Sergeant-at-Arms of your House. Attached to the Legislative Halls here, there are also five convenient rooms for the use of committees, and the convenience of the officers of the two Houses. These are conveniences which no Legislative Assembly has been able to obtain in Lawrence. All these are furnished free of expense to the Territory, out of the Congressional Fund. Wood is provided for fires; and every other necessary expense paid.

In Lecompton, there are four very good hotels, one of which is new, large and convenient to the Legislative Halls. They are not as elegantly kept as the St. Nicholas, but quite as well kept as Western hotels generally, and amply sufficient for a new country. But these things are matters of *taste*, and are, of course, subjects of honest differences of opinion. The term of the Legislature only lasts forty days, and a removal will cost nearly, if not quite, a waste of one-sixth of that time. The Territorial records, law-books and library are here, and the inconveniences of leaving them behind should not be overlooked in the anxiety of getting away. A removal costs a waste of time, a waste of furniture, the dangers of a waste of record, to say nothing of the very serious inconvenience to all concerned. These should not be overlooked for the sake of a few day's supposed better living.

If Lecompton is good enough for the Territorial officers to make it their homes all the year round, it is to be hoped that the members of the Legislature may, on reflection, conclude to put up with it for "forty days and forty nights."

I have not been furnished with a copy of the *obligation* said, in your preamble and resolution to be furnished by certain gentlemen of Lawrence, as guarantee that the Territorial Legislature shall incur no expense by the removal. I cannot therefore say to whom this guarantee is made payable, or of what legal effect it may be, except that, as stated in your resolution, that it is to be filed in "the Secretary of *State's* office." As there is no such office in existence, it can scarcely be of binding force from the mere fact of filing.

As the resolution makes it imperative on the Sergeant-at-Arms, an officer of your House, to procure the rooms, the Legislature will be, in good faith, bound to foot the bills for rent, &c., if the owners of the buildings demand it. This story of no expense is not new, but the end has proved most conclusively that the bills presented and paid, of all characters, by these removals, cost the tax payers many hundreds, if not thousands of dollars.

Admit that the Eldridge House, at Lawrence, is a model

Hotel, and Col. Eldridge a model landlord; that this side of Pittsburgh there is scarcely to be found a better kept hotel, but we have a few weeks of sober legislation to perform, many matters of great interest to the people of Kansas to attend to, that will hardly justify us passing over, to gratify our tastes in hunting up the best hotel indulgences. S. MEDARY.

Mr. Wood moved to reconsider the Preamble and Joint Resolution.

On motion of Mr. Scott,

House adjourned.

AFTERNOON SESSION.

2 O'CLOCK.

The Preamble and Joint Resolution, providing for the adjournment of the present session of the Legislature from Lecompton to Lawrence, having been returned to the House, (in which they originated) with the Governor's objections thereto, were taken up and

The objections of the Governor thereto, ordered to be spread upon the Journal.

The question being, "Shall the Preamble and Joint Resolution pass, the Governor's objections to the contrary notwithstanding?"

The yeas and nays being taken, resulted as follows:

Yeas—22. Nays—7.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Noel, Knowles, Lindsay, McMath, Morton, Nelson, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Wood.

Those voting in the negative, were

Messrs. Blake, Lynde, Murphy, Parks, Reynolds, Whitehead and Wright.

And the Joint Resolutions, having received a Constitutional majority of the House, were passed.

Mr. Nelson moved to suspend the regular business, and take up House Bill No. 2.

Mr. Wood demanded the yeas and nays, which resulted as follows :

Yeas—27. Nays—2.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, Morton, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Shively, Sheldon, Scott, Whitehead and Wright.

Those voting in the negative, were

Messrs. McMath and Wood.

The Bill was read a second time.

Mr. Wood moved to go into Committee of the Whole, to consider the Bill.

Mr. Murphy moved to lay the motion upon the table.

Carried.

Mr. Nelson moved to refer the Bill to a Special Committee.

Carried.

Speaker appointed as said Committee, Messrs. Nelson, Heath and Scott.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of the House of Reprentatives, be empowered to procure from the Secretary of the Territory, one copy of Gunn's map of Kansas for each member of this House.

Mr. Brown offered the following resolution which was adopted:

Resolved, That the Sergeant-at-Arms be directed to furnish the Postmaster of this city a list of the names of the members and officers of this House, and that said Postmaster be requested to deliver to the Sergeant-at-Arms all mail matter for said members and officers, for distribution at their respective tables.

The Speaker announced the following

STANDING COMMITTEES.

Judiciary—Messrs. Wood, Sims, Bartlett, Wagstaff and Lynde.

Ways and Means—Messrs. Heath, Brooks, McMath, Wilson and Whitehead.

Militia—Messrs. Scott, Fitzpatrick, Dutton, Magill and Cornwell.

Federal Relations—Messrs. Wood, Lynde, Parks, Morton and Blake.

Corporations and Banking—Messrs. Brooks, Parks, Rankin, Dutton and Wagstaff.

Elections—Messrs. Bartlett, Shively, Wright, Canniff and Robertson.

Enrolled Bills—Messrs. Sims, Rankin, Knowles, Lynde and Elliott.

Education—Messrs. Brown, Lombard, Shively and Brooks.

Public Instruction—Messrs. Wagstaff, Reynolds, Jones, Canniff and Robertson.

Counties, County Lines and County Seats—Messrs. Lynde, Jones, Lindsay, Nelson and Dutton.

Internal Improvements—Messrs. Chandler, Stewart, Knowles, Vanderslice and Cornwell.

Vice and Immorality—Messrs. Elliott, Fitzpatrick, Murphy, Sopris and Robertson.

Public Roads—Messrs. Rankin, Sheldon, Lombard, Nelson and Wood.

Printing—Messrs. McMath, Heath, Scott, Cave and Blake.

Phraseology—Messrs. Canniff, Heath, Lindsay, Parks and Reynolds.

Agriculture and Manufactures—Messrs. Lindsay, Wright, Vanderslice, Sheldon and Cave.

Claims—Messrs. Shively, Parks, Chandler, Murphy and Stewart.

Apportionment—Messrs. Jones, Wagstaff, Martin, Wright and Chandler.

Accounts—Messrs. Morton, Cornwell, Fitzpatrick, Dutton and Noel.

Engrossed Bills—Messrs. Sheldon, Whitehead, Magill, Steward and Blake.

Mr. Wood introduced House Bill No. 12, entitled "An Act establishing the Counties of Sherman and Helper."

Read first time, and

Referred to Committee on Counties and County Lines.

Mr. Wood introduced House Bill No. 13, entitled "An Act to amend "An Act to establish a Code of Civil Procedure."

Read first time, and

Referred to the Committee on Judiciary.

Mr. Wood introduced House Bill No. 14, entitled "An Act Changing the Lines of Chase County."

Read first time, and

Referred to Committee on County Lines.

Mr. Wood introduced House Bill No. 15, entitled "An Act to amend an Act entitled 'An Act relating to Counties and County Lines.'"

Read first time, and

Referred to Committee on Counties and County Lines.

Mr. Wood introduced House Bill No. 16, an Act entitled "An Act exempting certain Property from Sale, upon execution or other process."

Read first time, and

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 17, "An Act establishing certain Territorial Roads."

Read first time.

Mr. Wood introduced House Bill No. 18, entitled "An Act to legalize the acts of M. M. Flery."

Read the first time, and

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 19, entitled "An Act to prohibit Slavery and involuntary Servitude in Kansas."

Read the first time, and

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 20, entitled "An Act to amend an Act entitled 'An Act regulating the jurisdiction of Justices, and procedure before Justices of the Peace, and of the duties of Constables in civil cases.'"

Read first time, and

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 21, entitled "An Act to establish a certain Territorial Road."

Read the first time, and

Referred to the Committee on Roads and Highways.

Mr. Scott introduced House Bill No. 22, entitled "An Act to provide for the location of the County Seat of Allen County."

Read first time, and

Referred to Committee on County Lines.

Mr. Scott introduced House Bill No. 23, entitled "An Act to prevent the introduction of Diseased Cattle into the Territory of Kansas."

Read first time, and

Referred to Committee on Agriculture.

Mr. Shively introduced House Bill No. 24, entitled "An Act to establish a Territorial Road from Olathe to Iola."

Read first time, and

Referred to Committee on Roads and Highways.

Mr. Bartlett introduced House Bill No. 25, entitled "An Act to incorporate the Louisville Town Company."

Read first time, and

Referred to Committee on Corporations.

Mr. Shively introduced House Bill No. 26, entitled "An Act to provide for making a Stone Fence legal."

Read first time, and

Referred to Committee on Judiciary.

Mr. Brooks introduced House Bill No. 27, entitled "An Act to Protect Persons making Improvements."

Read a first time, and

Referred to Committee on Judiciary.

Mr. Bartlett introduced the following resolution:

Resolved, That no Bill for the incorporation of any town, ferry, bridge or railroad company, shal be printed, except it be so ordered by a vote of a majority of the members present.

Mr. McMath offered the following substitute:

Strike out all after the word "resolved," and amend so as to read as follows: That all Bills be printed after the first reading of the same, except otherwise ordered by the House.

Substitute adopted.

Mr. Nelson, from Special Committee on House Bill No. 2, reported the Bill back with the following amendments: Strike out "repealed," whenever it occurred, and insert "suspended."

On motion of Mr. Lynde,

The House went into Committee of the Whole on House Bill No. 2.

Mr. Lynde in the Chair.

The Committee arose, and through their Chairman

Reported the Bill back to the House, and recommended its reference to a Select Committee of three.

On motion of Mr. Parks the Bill was so referred.

Chair appointed, as said Committee, Messrs. Sims, Heath and Brooks.

The Special Committee, to whom was referred House Bill No. 1, entitled "An Act to provide for the location of County Seat of Wyandott County," respectfully submit that they have had the same under consideration, and report the same back to the House, with the following amendment to the title of said bill: Strike out the words "provide for the location," and insert in leiu thereof, the words "locate permanently," and recommend the passage of the Bill, with the amendments.

W. L. McMATH, Chairman,
W. A. RANKIN,
JOHN WRIGHT.

Mr. Parks moved to refer to a Select Committee.

Carried.

Mr. Lynde, from Committee on House Bill No. 5, reported the following:

The Committee on House Bill No. 5, entitled "An Act to extend the time for the collection of Taxes in Jefferson County," have considered the same, and recommend its passage.

E. LYNDE,
P. R. BROOKS,
J. W. JONES.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body, that the Council have passed Council Bill No. 1, entitled "An Act legalizing certain Bounds therein named," and your concurrence is respectfully requested.

JOHN J. INGALLS,
Secretary.

Bill read first time.

On motion, the rules were suspended, and the Bill

Read a second time.

On motion of Mr. Lynde, the rules were suspended, and the Bill put upon its final passage, and

Passed.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, McMath, Morton, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Shively, Sheldon, Scott, Whitehead, Wright and Wood.

None voting in the negative.

On motion of Mr. Lindsay,

The House adjourned until 7 o'clock this evening.

EVENING SESSION.

SEVEN O'CLOCK.

The Special Order of the evening being the Report of the Superintendent of public Instruction,

Mr. Lynde moved to lay it upon the table, and order 2,000 copies printed.

Carried.

On motion, adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

FRIDAY, January 6, 1860,
9 o'clock, A. M.

House met and was called to order by the Speaker.

Roll called.

Absentees, Messrs. Bartlett, Chandler, Dutton, Elliott, Fitzpatrick, Heath, Murphy, Wood, Robertson, Rankin, Sheldon, Sopris, Vanderslice and Wagstaff.

The Journal of yesterday read and approved.

Mr. Lynde gave notice that the seat of J. S. Magill, a member of this House, from the Tenth Representative District, was contested by Mr. Pierce.

On motion of Mr. Sims, the credentials of members of this House were referred to the Committee on Elections.

Mr. McMath moved that the Committee on Elections be instructed to report upon the contested seat of J. S. Magill, on Friday next at 10 o'clock A. M., and that it be made the Special Order for that hour.

Mr. Lynde moved to amend, by striking out "Friday at 10 o'clock," and insert "Wednesday, at 7 o'clock, P. M."

Mr. Brown moved to lay the motion of Mr. Lynde on the the table.

Carried.

The yeas and nays being demanded, resulted as follows:

Yeas—14. Nays—9.

Those voting in the affirmative were

Messrs. Brown, Blake, Cornwell, Lombard, McMath, Magill, Noel, Parks, Robertson, Rankin, Sims, Scott, Whitehead and Wright.

Those voting in the negative were

Messrs. Brooks, Chandler, Cave, Elliott, Lynde, Lindsay, Morton, Steward and Shively.

A petition of Mr. Wilson and others, citizens of Riley county, for a law to provide for the purchase of land for the location of the county seat of Riley county, was received, read, and

Referred to Committee on County Lines and County Seats.

Mr. Scott, Chairman of Special Committee, to whom was referred House Bill No. 6, entitled "An Act to incorporate the Iola Town Company," reported the same back to the House, without amendment, and recommend its passage.

On motion, the Bill was laid upon the table, and its printing dispensed with.

Mr. Parks introduced House Bill No. 28, entitled "An Act to incorporate the Laporte Town Company and City of Laporte."

Referred to Committee on Incorporations.

Mr. Blake introduced House Bill No. 29, entitled "An Act to prohibit Free Negroes from coming into this Territory."

Referred to Committee on Judiciary.

Mr. McMath introduced House Bill No. 30, entitled "An Act to incorporate the Wyandott City Insurance Company."

Referred to Committee on Corporations.

Mr. Elliott introduced House Bill No. 31, entitled "An Act to incorporate the Fremont Town Company."

Referred to Committee on Corporations.

The following message was received from the Council, by the Secretary:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body, that the Council have passed the Preamble and Joint Resolution, relating to an adjournment to Lawrence, by the constitutional majority, the Governor's objections to the contrary notwithstsnding.

JOHN J. INGALLS,
Secretary.

Mr. Brooks offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to remove

the furniture of the House to the city of Lawrence, as soon as practicable after adjournment.

On motion of Mr. Whitehead, House Bill No. 9, was taken from the table, and

Read the second time.

Rules suspended.

Bill read the third time, and put upon its final passage, and

Passed.

The title was agreed to.

The vote being taken, resulted as follows:

Yeas—24. Nays—none.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Camniff, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lynde, Lindsay, Lombard, McMath, Magill, Morton, Nelson, Parks, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott and Whitehead.

None voting in the negative.

Mr. Nelson moved to take up House Bill No. 4, entitled "An Act to incorporate the City of Atchison."

Mr. Lombard moved to amend, by making it the special order for Monday next, at 10 o'clock, A. M.

Carried.

The following message was received from the Council by the Secretary:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body, that the Council have passed House Bill No. 9, without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Sims moved that a certified transcript be made out, of the vote upon the final passage of the Preamble and Joint Resolution in relation to the removal to Lawrence, and delivered to the Secretary of the Territory.

Carried.

Mr. Brown offered the following resolution:

Resolved, That the Committee on Claims and Accounts be instructed to examine the accounts and vouchers of all persons having claims against the Territory for services rendered by authority of any resolution of either House, concurrent or joint, resolution or act, of the last session of the Legislative Assembly of this Territory; and report the amounts severally found to be due to the person holding such vouchers; and, if it be necessary, report by bill, making provision for the final settlement and payment of the same.

Mr. Lynde offered the following amendment: "Except the awards of the Claim Commissioners appointed by the last Legislature."

The resolution, as amended, was adopted.

The time set forth in the Preamble and Joint Resolution, having arrived,

The House adjourned, to meet in Lawrence the 7th day of January, A. D., 1860, at 12 M.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

LAWRENCE, Saturday, Jan. 7th, 1860, 12, M.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Roll called.

Absent, Messrs. Brown, Blake, Canniff, Cornwell, Heath, Lombard, Murphy, Magill, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

On motion of Mr. Wood, the reading of yesterday's Journal was dispensed with.

On motion of Mr. McMath, leave of absence was granted to Mr. Cornwell.

On motion of Mr. Parks,

The House adjourned until Monday, 2 o'clock, P. M.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

MONDAY, January 9th, 1860.
2 O'CLOCK, P. M.

House met, and was

Called to order by the Speaker.

Prayer by the Rev. Mr. Moore.

Roll called.

Absentees, Messrs. Brown, Cornwell, Murphy, Sopris, Vanderslice, Wagstaff and Wright.

Journal of Friday and Saturday read and approved.

Mr. Parks presented the credentials of Mr. Sopris, member elect from the Twenty-Seventh Representative District.

Mr. Sopris appeared, took the oath of office, and entered upon his duties as member of the House.

The Speaker announced the special order to be House Bill No. 4, entitled "An Act to amend an Act to incorporate the City of Atchison."

Mr. Lombard introduced a substitute, and,

On motion of Mr. Wood,

The House went into Committee of the Whole for the consideration of House Bill No. 4, and the substitute.

Mr. Wood in the Chair.

The Committee arose, and, through the Chairman, reported back House Bill No. 4, with amendments, and recommended its passage.

The amendments were agreed to, and

The Bill was ordered to be engrossed.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body that they have passed the following Joint Resolution, in which your concurrence is respectfully solicited.

JOHN J. INGALLS,
Secretary.

Resolved, by the Council, (the House of Representatives concurring therein,) That there be appointed two on the part of the Council, and three on part of the House of Representatives, as a Committee on the Joint Rules of the two Houses.

Concurred in by the House.

The Speaker announced as said Committee Messrs. Heath, McMath and Fitzpatrick.

Mr. Fitzpatrick presented a petition from the Topeka Bridge Company, for a Ferry at Topeka.

Referred to Committee on Corporations.

Also, a petition for a Ferry across the Kaw river, at Topeka.

Referred to Committee on Corporations.

Mr. Nelson presented a petition for a change of county lines of Coffey county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Fitzpatrick offered the following resolution:

Resolved, That the clerk is hereby directed to prepare as many ballots as there are members of this House, each ballot to contain the name of a member, and that the Speaker appoint some person, who is neither a member nor officer of this House, to draw the same and announce the name as it is drawn; and, that each member, as his name is announced, shall choose his seat for the remainder of the term.

On motion of Mr. Parks, the resolution was amended so the seats of absentees could be drawn by their colleagues.

Resolution, as amended, was adopted, and the members proceeded to select their seats, which being done,

Mr. Brooks offered the following resolution:

Resolved, That the House now proceed to the election of a Chaplain for the present session.

Mr. Wood offered the following as a substitute:

WHEREAS, The Clergymen of this city have tendered their services, free of charge, in opening the sessions of this House, therefore,

Resolved, First, That we appreciate the valuable services thus tendered us: Second, That the Speaker of this House be instructed to arrange with all the Clergymen of this city to officiate, alternately, in opening our sessions.

Upon which the yeas and nays were demanded, and the substitute adopted.

Yeas—20. Nays—11.

Those voting in the affirmative were

Messrs. Blake, Chandler, Canniff, Cave, Dutton, Knowles, Lombard, Lynde, Lindsay, Magill, Noel, Nelson, Parks, Reynolds, Sims, Shively, Sheldon, Sopris and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Fitzpatrick, Heath, Jones, Morton, Robertson, Rankin, Steward, Scott and Whitehead.

Mr. Nelson gave notice that, at any early day, he would introduce a Bill changing the boundary lines of Coffey county.

Mr. Lindsay offered the following resolution:

Resolved, That H. M. Hughes be chosen Assistant Enrolling Clerk, and John Johnson be chosen Assistant Engrossing Clerk.

Mr. Wood offered as a substitute:

Resolved, That the Speaker be authorized to appoint such assistant clerks as may be necessary.

On motion of Mr. Parks, the whole subject was laid upon the table.

Mr. Fitzpatrick gave notice that he would, at an early day, introduce a Bill to establish a Ferry across the Kansas river, at Topeka.

Mr. Lynde offered the following resolution:

Resolved, That Edward Murphy be and is hereby declared Messenger of this House for the remainder of the session.

Mr. Brooks offered as a substitute:

Resolved, That Robert Spear be declared Messenger of this House for the present session.

Lost.

Mr. Lynde's resolution was adopted.

Edward Murphy came forward, was sworn in, and entered upon his duties as Messenger.

Mr. Elliott gave notice that he would, at an early day, introduce a Bill to provide for the location of the County Seat of Breckenridge County.

Mr. Parks, from Special Committee upon the various measures recommended in the Governor's Message, reported as follows:

The Select Committee, charged with the duty of distributing the various subjects presented in the Governor's Message to the appropriate standing committees, beg leave to submit the following report:

They recommend the reference of all parts said message relating to county and township officers, and the oath of office; also, that part in relation to changing the laws and the rate of interest, to the Committee on Judiciary.

That part of the message relating to the organization of new

counties, to the Committee on Counties, County Lines and County Seats.

That part relating to the Election Law and the Registry Law, to the Committee on Elections.

All of said message in relation to Taxes, to the Committee on Ways and Means.

All in relation to Common School Lands and the Territorial Library, to the Committee on Education.

That part in relation to Banks and Banking, to the Committee on Corporations and Banking.

That part relating to Territorial Arms, to the Committee on Militia.

All that portion of the message in regard to a Penitentiary, to the Committee on Vice and Immorality.

That portion relating to the census returns, to the Committee on Apportionment.

All the remainder of the message to the Committee on Federal Relations.

All of which is respectfully submitted.

P. S. PARKS,
EDWARD LYNDE, } Committee.
J. H. JONES.

The report was agreed to.

Mr. Lynde offered the following resolution:

Resolved, By the House of Representatives, the Council concurring therein, [that] the Committee on Judiciary of both Houses act jointly on all matters presented to either, which are referred to that Committee.

Resolution laid over, under the rules, until to-morrow.

Mr. Wood gave notice that, at an early day, he would introduce a Bill entitled "An Act to incorporate the Roger Williams University;" also, a Bill entitled "An Act to establish a Territorial Road from the Missouri State line, via Moneka, Garnet and Emporia, to Beach Valley."

Mr. McMath gave notice that, at an early day, he would introduce the following Bills:

A Bill entitled "An Act supplemental to an Act, entitled 'An Act to incorporate the City of Wyandott;'" also, a Bill entitled "An Act to establish a Ferry across the Missouri River at the City of Wyandott;" also, "An Act to establish a Territorial Road."

Mr. Morton gave notice that, at some subsequent day, he woud introduce a Bill to change the boundaries of Butler County; also, a Bill establishing certain Territorial Roads; also, a Bill establishing a Territorial Road from the Sac and Fox Agency to Chelsea; also, a Bill to facilitate the settlement of the estates of deceased partners.

Mr. Bartlett gave notice that, at an early day, he would introduce a Bill relating to Probate Courts.

Mr. Scott gave notice that, at an early day, he would introduce a Bill to incorporate the Carlyle Town Company.

Mr. Elliott gave notice that he would, at an early day, introduce a Bill establishing a Territorial Road from Fort Scott to Council Grove.

Mr. Scott moved that House Bill No. 6 be taken from the table.

Carried.

It was read the second time.

Rules suspended, and

Read third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—26. Nays—none.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Magill, Morton, Nelson, Parks, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Sopris and Wood.

The title was agreed to.

On motion of Mr. McMath, House Bill No. 1 was taken up, and

Read a second time.

Rules suspended, and

Read a third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—28. Nays—none.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Magill, Morton, Nelson, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris and Wood.

None voting in the negative.

The Bill was passed.

The following message was received from the Council, by the Secretary:

MR. SPEAKER:—I am instructed to inform your Honorable Body that the Council have passed the following Concurrent Resolution, in which your concurrence is invited:

Resolved, By the Council, the House of Representatives concurring therein, that the Sergeant-at-Arms of the two Houses of the Legislative Assembly be directed to procure the printing of one hundred copies for the Council, and —— copies for the House, of the rules of each House, the joint rules of the two Houses, and a list of the Standing Committees of the two Houses, together with the names of all the Members and Officers of the two Houses, with their residences and rooms.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Wood, the resolution was laid upon the table.

On motion of Mr. Wood,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, January 10, 1860, 9 o'clock, A. M.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Roll called.

Absent, Messrs. Brown, Bartlett, Cornwell, Murphy, Morton, Parks, Rankin, Vanderslice, Wright, Wagstaff and Wood.

The Journal of yesterday was read and approved.

Mr. Canniff presented a petition from citizens of Shawnee, Wabaunsee and Osage Counties, for the location of a County Seat permanently at Topeka, and that a new county be formed.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Lynde offered the following resolution:

Resolved, That the Sergeant-at-Arms of the House of Representatives be authorized to procure two dozen chairs for the use of the Legislative Assembly of this Territory.

Upon which the yeas and nays were demanded, which resulted as follows:

Yeas—22. Nays—9.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Lombard, McMath, Magill, Noel, Parks, Reynolds, Sopris and Whitehead.

Mr. Scott offered the following resolution:

Resolved, That the Sergeant-at-Arms, be empowered to procure a plain carpet sufficient to cover the aisles of this Hall.

Mr. Blake moved to lay the resolution upon the table.

Upon which the yeas and nays were demanded, which resulted as follows:

Yeas—26. Nays—5.

Those voting in the affirmative were

Messrs. Blake, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lombard, Lynde, Lindsay, McMath, Magill, Nelson, Parks, Reynolds, Rankin, Steward, Sims, Shiveley, Sheldon, Scott, Whitehead and Wood.

Those voting in the negative were

Messrs. Bartlett, Canniff, Jones, Morton and Robertson.

The resolution was laid upon the table.

Mr. Shively offered the following concurrent resolution:

Resolved, Whereas, the people of Kansas Territory have signified their wish to throw off their present Territorial form of government, by framing a Constitution, in pursuance of an Act of the last Territorial Legislature, and which said Constitution has been ratified by nearly two-thirds of the legal voters of said Territory; and whereas, the people have, at an election provided for by said Constitution, elected a Legislature and all State officers in pursuance of the provisions of said Constitution, so made and notified as aforesaid; therefore,

Resolved, By the House of Representatives, the Council concurring therein, that a committee be appointed by the House, and three on part of the Council, to draft a suitable petition to the Congress of the United States, praying for our immediate admission into the Union on an equal footing with the original States of the Confederacy; that said Committee be required to report said petition to the House at an early day, with the view of its early adoption, that the same may be transmitted to our Delegate, to be by him presented to the present session of Congress.

Laid over, under the rules.

Mr. Wood gave notice of a Bill to incorporate the Council Grove Building Association.

Mr. McMath gave notice of a Bill to repeal "An Act Regulating Dram Shops and Taverns, and the sale of intoxicating drinks."

Mr. Rankin, of a Bill changing the location of a certain Territorial Road.

Mr. Jones, of a Bill extending the time for the Collection of taxes in Linn County to April 1, 1860; also a Bill for the location of the County Seat of Linn County, by a vote of the people.

Mr. Parks, of a Bill repealing the Registry Law.

Mr. Rankin, of a Bill locating the County Seat of Douglas county.

Mr. Canniff, of the erection of a new County from parts of Osage and Shawnee, and change of County lines.

Mr. Sopris, of a large number of Bills, incorporating ferries, mining companies, &c., at Pike's Peak.

Mr. Blake, of a Territorial Road from Lecompton to Grasshopper Falls, via Osawkee.

Mr. Knowles, of a Territorial road from Mound City to the South line of the Territory.

Mr. Elliott, of a Bill relating to township and county organization.

Mr. Lynde gave notice of a Bill locating a Territorial road from Lawrence, via Oskaloosa, Grasshopper Falls, Holton, New Brighton and America.

Mr. Steward of a Bill relating to Inclosures.

Mr. Elliott, of a Bill relating to an Institution of Learning in Breckenridge county; also, of a Bill changing the location of an Eastern Territorial road.

Mr. Heath gave notice of a Bill incorporating the town of Bloomington.

Mr. Bartlett, of a Bill amending the Act respecting Administrators and Executors.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That the Docket Clerk be required to furnish a printed Daily Calendar, for the use of each member of this House.

On motion of Mr. Wood,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Wood, from Committee on Judiciary, made the following report:

The Committee to whom was referred House Bill No. 18, report the same back, without amendment, and recommend its passage; also, House Bill No. 27, with amendments, marked section 5th; also, change section 5th to 6th, and recommend its passage.

S. N. WOOD,
Chairman.

Mr. Heath offered the following resolution, which was adopted:

Resolved, That the Speaker be authorized to appoint such additional clerks as may, from time to time, be necessary.

Mr. Wood offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to employ an assistant Door-Keeper.

Mr. McMath moved to lay on the table.

Upon which the yeas and nays were demanded, which resulted as follows:

Yeas—16. Nays—10.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Cave, Dutton, Fitzpatrick, Heath,

Knowles, Lindsay, McMath, Magill, Nelson, Robertson, Rankin, Sims, Shively, Scott.

Those voting in the negative

Messrs. Bartlett, Chandler, Elliott, Jones, Lombard, Lynde, Steward, Sheldon, Sopris and Wood.

Resolution laid on the table.

On motion of Mr. Wood, House Bill No. 18, entitled "An legalizing certain acts of M. M. Flory," was taken up, and read.

Mr. Heath moved to recommit the Bill to the Committee on Judiciary.

Lost.

Mr. McMath moved to strike out the word "or," and insert "and," in the section second.

On motion of Mr. Wood, the rules were suspended, and

Bill read a third time, and,

Put upon its final passage.

The yeas and nays were demanded with the following result:

Yeas—30. Nays—1.

Those voting in the affirmative,

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Magill, Morton, Nelson, Parks, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wright and Wood.

Voting in the negative.

Mr. Rankin.

Mr. Heath, from the Joint Committee on Rules, made the following report:

The Joint Committee on the part of the House, to whom was referred the subject of joint rules of the two Houses, report:—

that they have had the same under consideration, in joint session, and recommend the adoption of the joint rules of the last session.

ERASTUS HEATH,
W. L. McMATH,
W. H. FITZPATRICK,
On part of the House.
P. P. ELDER,
Of the Council.

Report received by the House.

Mr. Sheldon, from Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills report that they have examined House Bill No. 1, entitled "An Act to provide for the location of the County Seat of Wyandott County."

Also, House Bill No. 4, entitled "An Act to amend 'An Act to incorporate the City of Atchison,'" and report the same correctly enrolled.

O. H. SHELDON, Chairman.

On motion of Mr. Wood, House Bill No. 27, "An Act to protect persons making improvements," was taken up,

Read a second time, and considered by sections.

Section 1st, adopted.

Sec. 2d, "of" inserted before the words "the person."

On motion of Mr. Jones, the Bill was laid upon the table.

The hour of three o'clock having arrived, the special order of that hour being House Bill No. 4, was taken up,

Read a third time, and

Put upon its final passage.

The Bill passed.

The title was agreed to.

Mr. Scott offered the following resolutions:

Resolved, That any two members of this House may demand the yeas and nays on any question, and it shall be the duty of the Speaker to require, on such demand, the Clerk immediately to call the roll.

Resolved, further, That, upon the final passage of all bills, the yeas and nays shall be called.

On motion of Mr. Wood,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, January 11th, 1860.
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees—Messrs. Brown, Cornwell, Lombard, Murphy, Shively, Vanderslice, Whitehead, Wagstaff and Wood.

Journal of yesterday read and approved.

Mr. Wood presented a Memorial of William A. Perry, praying for a divorce, which was

Read, and referred to Committee on Judiciary.

Also, a petition of William Guinsley, asking for the repeal of an Act defining the lines between the counties of Madison and Breckenridge.

Referred to Committee on County Lines.

Also, a petition of William Van Horn and 43 others, of Madison County, asking for a repeal of Chap. 43, of the Statutes of 1859, "An Act defining the boundaries between the counties of Breckenridge and Madison."

Read and referred to Committee on County Lines.

Mr. Brooks, from the Committee on Corporations and Banking made the following report:

MR. SPEAKER:—The Committee on Corporations and Banking, having had under consideration House Bill No. 32, entitled "An Act to establish a Ferry across the Kansas River at Topeka," beg leave to report the same, without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

Mr. Sheldon, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined House Bill No. 2, "An Act to extend the time for paying taxes," and find the same correctly engrossed.

House Bill No. 8 was taken up, entitled "An Act to establish a Territorial Road from Lawrence to Humboldt," and

On motion of Mr. Nelson, referred to Committee on Roads and Highways.

House Concurrent Resolutions, relating to the formation of a State Government, were taken up, read, and

On motion of Mr. Sims, the further consideration of the resolutions was deferred, for the present.

House Bill No. 11, "An Act to create a lien in favor of Mechanics and others," was taken up, and

On motion Scott, it was referred to the Committee on Judiciary.

Mr. Elliott presented a remonstrance of 128 legal voters of Breckenridge county, against any change in the boundary lines of said county.

Read, and referred to Commmittee on County Lines.

On motion of Mr. Scott, House Bill No. 22 was taken up, entitled "An Act to provide for the location of the County Seat of Allen County."

Mr. Lynde, from Committee on County Lines, submitted the following report:

The Committee on County Lines, to whom was referred House Bill No 22, entitled "An Act to provide for the location of the County Seat of Allen County," report that they have considered the same, and recommend its passage, with the following amendments: In Sec. 1st, 14th line, strike out the words "highest number of legal votes," and insert "a majority of all the votes cast."

In Sec. 5th, 15th line, strike out "highest number," and insert "majority;" and add, Sec. 8, as follows:

That, in case it should become necessary to hold a second election, provided for in this Act, it shall be the duty of the tribunal transacting county business to assemble at the office of said District Board, on the Friday next succeeding said second election, to canvass the votes, and proclaim the result, as hereinbefore provided.

This Act to take effect and be in force from and after its passage.

E. LYNDE, Chairman.

The amendments were agreed to, and,

On motion of Mr. Scott, the Bill was engrossed and

Ordered to a third reading.

On motion of Mr. Fitzpatrick, House Bill No. 32, was taken up and

Read a second time.

"An Act to establish a Ferry at the city of Topeka."

Read a second time.

Rules suspended,

Read a third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—30. Nays—none.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lynde, Lindsay, McMath, Magill, Morton, Noel, Nelson, Parks, Robertson, Rey-

nolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Wright and Wood.

And so the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 12, entitled "An Act to incorporate the Kansas College of Physicians and Surgeons," in which your concurrence is requested.

JOHN J. INGALLS
Secretary.

On motion of Mr. Nelson, Council Bill No. 12, was taken up, "An Act to incorporate the Kansas College of Physicians and Surgeons."

Mr. Wood moved to refer the Bill to the appropriate Standing Committee.

Mr. Scott moved, as an amendment, that it be referred to a Select Committee, with instructions to report, at three o'clock this afternoon.

Lost.

The Bill was referred to the Committee on Banks and Corporations.

Mr. Sims offered the following Concurrent Resolution, which was adopted:

Resolved, by the House of Representatives, (the Council concurring,) That a Committee of two from the House, and one from the Council, be appointed by the presiding officer of each House, respectively, to wait on his Excellency, Governor Medary, without delay, and ascertain and report to each branch of the Legislative Assembly, what reasons have prevented his Excellency co-operating with the two Houses, now holding their sessions at Lawrence, Kansas Territory; and said Committee are hereby authorized and required respectfully to ask the foregoing information at the hands of his Excellency. Further,

Resolved, That his Excellency be and he is hereby most respectfully requested to give the two Houses, through said Committee, the information sought; and, also, that a copy of the

foregoing resolution be delivered by said Committee to the Governor.

The Speaker appointed as Committee on the part of the House, Messrs. Sims and Brooks.

Message from the Council:

MR. SPEAKER:—I am directed by the Council, to inform your Honorable Body that the Council has passed the accompanying resolutions, in which your concurrence is requested.

JOHN J. INGALLS,
Secretary.

On motion of Mr. McMath,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

The Concurrent Resolutions of the Council were taken up, and,

On motion of Mr. Nelson, the rules were suspended, and resolutions read.

On motion of Mr. Scott, the House concurred in the resolutions of the Council.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations and Banking, having had Council Bill No. 12 under consideration, report the same back, and recommend its passage.

P. R. BROOKS.

Council Bill No. 12 was taken up.

Rules suspended,

Read a third time, and

Upon its final passage, the vote resulted as follows:

Yeas—20. Nays—none.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Magill, Morton, Nelson, Parks, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wright and Wood.

And so the Bill passed.

On motion of Mr. McMath, the House concurred in the amendments to House Bill No. 2, as recommended by the Council.

Council Bill No. 3 was taken up, "An Act to provide for the raising of a tax in Pottawatamie county," and

Referred to Commttiee on Judiciary.

Council Bill No. 4, "An Act to locate a Territorial Road," was taken up, and

Referred to Committee on Roads and Highways.

Mr. Bartlett, moved that the rules be suspended and Council Bill No. 3 be read a second time.

Carried.

Rules suspended.

Read a third time, and

Upon its final passage, the vote resulted:

Yeas—28. Nays—1.

Those voting in the affirmative, were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Magill, Morton, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris and Wright.

In the negative, Mr. Wood.

So the Bill passed.

Mr. Wood from the Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred the memorial of William A. Perry, asking for a divorce from Lucy A. Perry, having had the same under consideration, report the Bill back, in accordance with the memorial, and recommend its passage.

On motion of Mr. Wood, House Bill No. 59 was taken up.

On motion of Mr. Lynde, the rules were suspended, and

Bill read a second time.

Mr. Nelson moved that the Bill be indefinitely postponed.

Upon which the yeas and nays were demanded with the following result:

Yeas—24. Nays—4.

Those voting in the affirmative were

Messrs. Blake, Brooks, Chandler, Canniff, Cave, Dutton, Fitzpatrick, Jones, Knowles, Lynde, Murphy, McMath, Magill, Morton, Nelson, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris and Wright.

Those voting in the negative were

Messrs. Elliott, Heath, Lindsay and Wood.

So the Bill was indefinitely postponed.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body, that the Council have passed House Bill No. 6, entitled "An Act to incorporate the Iola Town Company;" also, House Bill No. 18, entitled "An Act to legalize certain acts of M. M. Flory;" without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Nelson called for the reading of the resolution, introduced yesterday, in relation to the propriety of excluding spectators from the bar of this House.

The resolution was read, and

On motion, adopted.

On motion of Mr. Wood,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

THURSDAY, Jan. 12, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees were Messrs. Brown, Brooks, Canniff, Cornwell, Heath, Lombard, Murphy, Parks, Reynolds, Sims, Vanderslice, Whitehead, Wagstaff and Wood.

Journal of yesterday read and approved.

Mr. Nelson asked to be excused from the Cemmittee on Ways and Means.

Excused, by consent.

Mr. Fitzpatrick was appointed to fill the vacancy.

Mr. Morton presented a petition from citizens of Woodson County, asking for a change of county lines.

Referred to Committee on Counties, County Seats and County Lines.

Mr. Stewart presented a petition from the citizens of Jackson County, praying for a Territorial road from Atchison, via Holton, to Manhattan.

Referred to Committee on Roads and Highways.

Mr. Jones presented a remonstrance from the citizens of Linn County, against submitting the location of the County Seat of Linn County to a popular vote.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Jones presented the following resolution:

Resolved, That the members of the last House, now in attendance, or that may hereafter be in attendance, during the present session, be admitted to seats within the bar of this House, and that the Sergeant-at-Arms be and is hereby requested to furnish seats for said persons.

On motion of Mr. Fitzpatrick, the resolution was laid upon the table.

Mr. Sims, from Committee on Enrolled Bills, reported the following:

MR. SPEAKER:—The Committee on Enrolled Bills have examined, and found truly enrolled, the Bill entitled "An Act to incorporate the City of Atchison."

CHARLES SIMS, Chairmen.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body, that the Council has passed Council Bill No. 7, entitled "An Act to regulate the running at large of swine," [in] which your concurrence is respectfully solicited.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Nelson, Council Bill No. 7, entitled "An Act to regulate the running at large of swine," was taken up.

Mr. Nelson moved that the rules be suspended, and that it be read a second time.

Carried.

On motion of Mr. Parks, House Bill No. 28, entitled "An Act to incorporate the Laporte Town Company and City of Laporte," was taken up, and

Read a second time.

House Bill No. 40, entitled "An Act to incorporate the Roger Williams University," was taken up.

Read a second time, and

Laid over, under the rules.

Mr. Heath offered the following resolution:

Resolved, That the Sergeant-at-Arms of this House be instructed to procure suitable means of conveyance for the accommodation of the Committee appointed to wait upon the Governor, by a resolution passed this House.

Adopted.

Message from the Council:

MR. SPEAKER:—I am requested to inform your Honorable Body, that the Council has concurred in the resolution providing for the appointment of a Committee to wait upon the Governor, and has appointed Mr. Keeler on the part of the Council.

JOHN J. INGALLS,
Secretary.

Mr. Brooks, Chairman of Committee on Incorporations, reported as follows:

The Committee on Corporations and Banking, having had under their consideration House Bill No. 28, entitled "An Act to incorporate the Laporte Town Company and City of Laporte," beg leave to report the same, without amendment, and recommend its passage.

Also, House Bill No. 40, entitled "An Act to incorporate the Roger Williams University," beg leave to report the same, without amendment, and recommend its passage.

Also, House Bill No. 31, entitled "An Act to incorporate the Fremont Town Company," report the same back, and recommend its passage, with the following amendment:

Strike out Section 6.

Also, have had under consideration House Bill No. 43, entitled "An Act to charter a Ferry across the Kansas river, at the city of Eudora," report back the same, with the following amendments:

Strike out Section 3d, and insert the following: Section 3d. The said P. Happer, and his successors or assigns, shall be permitted to charge such rates for crossing at said ferry, as may be prescribed by the tribunal transacting county business in said county of Douglas.

Sec. 4. This Act to take effect and be in force from and after its passage.

P. R. BROOKS, Chairman.

House Bill No. 31, entitled "An Act to incorporate the Fremont Town Company," was taken up, and

Read by sections.

Laid over under the rules.

House Bill No. 43, entitled "An Act to charter a Ferry across the Kansas river, at Eudora," was taken up.

Read by sctions, and

Under the rules, was laid over.

The amendments of the Committee on Corporations and Banking, were concurred in by the House.

House Bill No. 37, entitled "An Act to protect persons making improvements," was taken up, and

Read a second time.

Rules suspended.

Read a third time, and being

Upon its final passage, the vote resulted:

Yeas—17. Nays—11.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Lynde, Lindsay, Morton, Robertson, Rankin, Steward, Shively, Sheldon and Wood.

Those voting in the negative were

Messrs. Blake, Knowles, McMath, Magill, Noel, Nelson, Parks, Reynolds, Sims, Scott and Wright.

And so the Bill passed.

The title was agreed to.

Mr. Lindsay gave notice that he would, on some subsequent day, introduce a Bill vacating a part of the town site of Pottawatamie City, K. T.; also, a Bill vacating to the town of Canton, K. T.

Mr. Knowles gave notice that he would, on some subsequent day, introduce a Bill to incorporate the Osage Town Company.

Mr. McMath gave notice that he would, on to-morrow, introduce a Bill to provide for the partition of Real Estate; also, a Bill concerning Mills, Millers and rates of Toll.

Mr. Noel gave notice that, on to-morrow or some subsequent [day,] he would introduce a Bill to incorporate the St. Johns Lodge, No. 26, of Ancient Free and Accepted Masons.

Mr. Morton gave notice that, on some subsequent day, he would introduce a Bill to incorporate the Neosho Falls Town Company.

Mr. Lindsay gave notice that he would, at an early day, introduce a Bill to incorporate the Anderson County Agricultural Society.

Mr. Shively, gave notice that he would, at an early day, introduce a Bill for the establishment of a Ferry across the Marias des Cygnes river.

Mr. Heath gave notice that, at some early day, he would introduce a Bill defining the Boundories between the counties of Douglas, Leavenworth and Jefferson.

Mr. Parks gave notice that he would, at an early day, introduce a Bill to annex one half of Lawrence to Leavenworth county,

Mr. Elliott gave notice that, on some subsequent day, he would introduce a Bill to organize the county of Boon, in the Territory of Kansas.

Mr. Scott introduced House Bill No. 52, entitled "An Act to facilitate the pursuit of Practical Anatomy."

Referred to a Select Committee of Physicians, consisting of Messrs. Scott, Lindsay and Nelson.

Mr. Nelson introduced House Bill No. 53, entitled "An Act to incorporate the Linn County Agricultural Society."

Referred to Committee on Agriculture and Manufactures.

Mr. Wood introduced House Bill No. 55, entitled "An Act to to repeal an Act entitled 'An Act defining the boundary lines between the counties of Madison and Breckenridge.' "

Mr. Jones introduced House Bill No. 54, entitled "An Act to incorporate the Linn County Agricultural Society."

Read first time, and

Referred to Committee on Agriculture.

On motion of Mr. Parks,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

FRIDAY, January 13th, 1860.
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent, Messrs. Brown, Bartlett, Brooks, Chandler, Cannif, Cornwell, Elliott, Murphy, Morton, Parks, Reynolds, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Journal of yesterday read and approved.

The contested seat of J. S. Magill, from the 16 Representative District, being the special order of the hour, was taken up.

The report of the Committee on Elections was then submitted by the Chairman of the Committe, Mr. Bartlett.

Mr. McMath offered the following resolution:

Resolved, That James S. Magill is entitled to the seat in this House, from the 10th Representative District, composed of the counties of Marshall and Washington.

Mr. Bartlett moved to lay the resolution upon the table.

Carried.

Mr. Wagstaff, member elect from the 19th Representative District, appeared and took the oath of office, and entered upon the discharge of his duties as a member of this House.

Mr. Sims moved to recommit the report to the Committee on Elections, with instructions.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—18. Nays—12.

Those voting in the affirmative were

Messrs. Blake, Chandler, Cave, Fitzpatrick, Knowles, Lombard, Lynde, Lindsay, Noel, Nelson, Parks, Reynolds, Rankin, Steward, Sims, Sheldon, Scott and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Brooks, Canniff, Elliott, Heath, Jones, McMath, Morton, Robertson, Shively, Wright and Wood.

And so the Bill was recommitted.

Mr. Scott presented a remonstrance, from citizens of Woodson county, against the change of county lines in said county.

Referred to Committee on Counties, County Lines and County Seats.

Also, a petition for a Territorial road from Fort Scott to Fort Riley.

Referred to Committee on Roads and Highways.

Mr. Jones presented two petitions, from 286 citizens of Linn County, for a law against the running at large of Swine and Sheep.

Referred to Committee on Agriculture and Manufacture.

Mr. Wood, presented the petition of S. A. Breese and 150 other legal voters of Chase County, K. T., asking that the range line between nine and ten, should be the east line of said County; also, the petition of Mr. Smith and twenty-seven other legal voters of Breckenridge County, asking to be set off and attached to Chase county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Lombard presented a petition from the citizens of Atchison, asking for a Territorial road.

Referred to Committee on Roads and Highways.

Mr. Jones, a number of remonstrances from citizens of Linn County, against a change in the location of the County Seat of Linn county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Lynde offered the following resolution :

Resolved, That the Committee on Counties, County Lines and County Seats be and is hereby instructed to receive as evidence, no petition or remonstrance that is not properly attested by the township clerk of the proper county, certifying that the names therein contained are registered and legal voters of that township.

Upon which the yeas and nays were demanded, with the following result :

Yeas—7. Nays—18.

Those voting in the affirmative were

Messrs. Blake, Lynde, Lindsay, Magill, Nelson, Sheldon and Scott.

Those voting in the negative were

Messrs. Brooks, Chandler, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, McMath, Morton, Parks, Robertson, Rankin, Steward, Sims, Wagstaff and Wood.

Mr. Lindsay, from Committee on Agriculture and Manufactures, report[ed] the following:

Your committee would respectfully report that they have [had] under consideration Council Bill No. 7, entitled "An Act to regulate the running at large of swine," and ask leave to report the same back, with the following amendments, and recommend its passage:

In section No. 2, sixth line, after the word "owner," insert "occupant."

In section seventh, fourth line, strike out "thirty days," and insert "sixty days."

In section eight, sixth line, strike out "thirty," and insert "sixty."

In section eleven, after the word "Jefferson," insert "Leavenworth."

Also, House Bill No. 54, entitled "An Act to incorporate the Linn County Agricultural Society," and would report the same back, without amendment, and recommend its passage.

Also, House Bill No. 45, entitled "An Act regulating Inclosures," and report the following as a substitute:

AN ACT Supplemental to "An Act Regulating Inclosures," approved February 11th, 1859.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Sec. 1. That all fences composed of stone shall be four feet high, and two feet wide at the bottom, and sixteen inches at the top, and that all such fences are hereby declared legal inclosures.

Sec. 2. This act to take effect and be in force from and after its passage.

All of which are submitted.

THOMAS LINDSAY, Chairman.

Mr. Scott, from Special Committee on House Bill No. 52, entitled "An Act to facilitate the pursuit of practical Anatamony," report[ed] as follows:

The Select Committee to whom was referred House Bill No. 52, have had the same under consideraiion, and beg leave to report it back, and recommend its passage, with the following amendment:

After section second, insert section third, as follows:

That any person, violating the provision of this Act, may be punished by fines, in any sum not exceeding fifty dollars, recoverable before any tribunal having jurisdiction in the premises.

JOHN W. SCOTT, Chairman.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 5, entitled "An Act to establish a Toll Bridge over the Arkansas river, at the mouth of the Fountaine Qui Bouille; also, Council Bill No. 6, entitled "An Act to charter a Toll Bridge over the Pawnee Fork of the Arkansas river;" also, Council Bill No. 10, entitled "An Act to establish and organize the county of Otoe, and define the boundaries of the same."

Your concurrence is respectfully solicited.

JOHN J. INGALLS,
Secretary.

Bills referred to Committee on Incorporations and Banking.

House Bill No. 52, entitled "An Act to facilitate the practice of Practical Anatomy," [was] taken up and

Read with amendments, as reported by Committee.

Mr. McMath moved to indefinitely postpone the whole subject.

Mr. Wood moved to lay the motion of Mr. McMath upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—12. Nays—14.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Elliott, Heath, Jones, Lindsay, Morton, Nelson, Rankin, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Cave, Fitzpatrick, Knowles, Lombard, Lynde, McMath, Magill, Noel, Parks, Reynolds, Steward, Sims, Wagstaff.

On motion of Mr. Nelson,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. McMath renewed the motion to indefinitely postpone the consideration of House Bill No. 52, entitled "An Act to facilitate the pursuit of practical Anatomy."

Upon which the yeas and nays were demanded with the following result:

Yeas—11. Nays—23.

Those voting in the affirmative were

Messrs. Blake, Cave, Lynde, McMath, Magill, Reynolds, Steward, Sims, Sopris, Wright and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Morton, Noel, Nelson, Parks, Robertson, Rankin, Shively, Sheldon, Scott and Wood.

The motion to indefinitely postpone was lost.

Mr. Nelson moved that the rules be suspended and the Bill be read a third time.

Upon which the yeas and nays were demanded.

Yeas—16. Nays—17.

Those voting in the affirmative were

Messrs. Brooks, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Sopris.

Those voting in the negative, were

Messrs. Blake, Bartlett, Chandler, Cornwell, Cave, Dutton, Lombard, Lynde, McMath, Magill, Noel, Parks, Reynolds, Sims, Wright, Wagstaff, Wood.

Bill read by sections.

Mr. Parks moved to strike out all relating to common subjects, in section 1.

Upon which the yeas and nays were demanded, which resulted as follows:

Yeas—27. Nays—5.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Magill, Morton, Noel, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Wright and Wagstaff.

Those voting in the negative, were

Messrs. Heath, Nelson, Sheldon, Sopris and Wood.

Mr. Lynde moved to amend the amendment, as submitted by the Committee, by striking out "exceeding" in section 2, and insert "not less."

Section 2 as amended, was adopted.

Mr. Sims moved to add section 5 to the Bill, which was

Read and adopted.

Mr. Sims, from Select Committee appointed to wait upon the Governor, with the joint resolution, reported the following:

The undersigned, Committee on part of the House, to present to his Excellency the Governor of the Territory a copy of the concurrent resolutions, asking his reasons for not co-operating with the two Houses of the Legislative Assembly now in session at Lawrence, beg leave to report that they performed the duty enjoined upon them by delivering to his Excellency on yesterday a certified copy of said resolutions.

CHARLES SIMS,
P. R. BROOKS. } Committee.

The following communication was received from the Governor of the Territory:

EXECUTIVE OFFICE, Lecompton, K. T.
January 13th, 1860.

Messrs. KEELER, SIMS and BROOKS, Committee:

GENTLEMEN:—The resolution you presented to me, signed by "Gustavus A. Colton, Speaker of the House," and "W. W. Updegraff, President of the Council," requesting you to call upon me without delay, and report the "reasons" that have prevented me co-operating with the two Houses now holding their session at Lawrence, Kansas Territory.

I do not understand why this question has been asked me. It is a fact known to every-one, I presume, that I have not been able to leave my room for near a month past, from a severe attack of inflammatory rheumatism. My doors were never closed, and all knew where to find me, and all were welcome visitors. I could not have followed the two Houses, or such portion of them as removed to Lawrence, had I desired. This was no secret, but a public matter. There had no question arisen, on which I would express an official opinion on my cooperation, one way or the other, with the two Houses. It is true, that on Wednesday last, the chairman of the enrolling committee of the Council called on me and presented a Bill for my signature, but I handed it back to him, for want of proper authentication, and he retired. This is all that has occurred, on which any opinion could be based as to my course of action. Had anything occurred that required my official opinion upon the subject, whether I would or not cooperate with the two Houses now in session at Lawrence, I should have been prompt to respond. As no question arose I was careful to express no opinion. As the reply of the Attorney General must be known here in a very few days, it is but showing a proper respect for a high officer of government, to await his answer, and I shall cheerfully abide his opinions, whatever they may be, as bearing upon the legality of the action.

I might say much more, but under the above circumstances, I deem it out of order. Deeply regretting the delay in the public business, and the existence of doubts of the legality of the action of the "two Houses," I subscribe myself,

Very respectfully yours,
S. MEDARY.

Mr. Bartlett moved to dispense with the morning orders, and take up the contested election case.

Carried.

Mr. Bartlett, from Committee on Elections, to whom was recommitted the contested election case between Pierce and Magill, submitted the following report:

The Committee on Elections, to whom was recommitted the report of said committee, in relation to the contested seat, with instructions, beg leave to report:

Whole number of votes cast for incumbent, 162; whole number of votes cast for contestant, 160; whole number of votes given for incumbent at Marysville, 84; whole number of registered votes cast for incumbent at Marysville, 80; number of unregistered votes cast for incumbent at Marysville, 4; number of unregistered votes cast at Marysville, 7; number of votes cast for contestant at Marysville, 8; number of registered votes cast for contestant at Marysville, 6. The following are the names of unregistered voters at Marysville: Joseph Strouss, (claimed by incumbent to be registered Augustus Strouss,) Jacob Owens, (claimed by incumbent to be registered under four different names, to wit: Hiram Evans, North Evans, Elijah Owens and Hiram Owens,) John A. McClelland, (claimed to be registered Wilder McClelland,) A. Pelkeer, Mat Lockland, Thomas Sheridan, (claimed to be registered Thomas Sherad) and Thomas Leirnay, whose name was not on list served upon incumbent. Whole number of votes cast at Bennet Precinct, 17. Twelve registered and five unregistered votes at this precinct. Number of votes cast for incumbent at Bennet precinct, 14; four of which were unregistered. Jeremiah Preston is one of these unregistered voters, and his name was not served upon incumbent. Number of votes cast at Quitard for incumbent, 11; for contestant, 10. There were two unregistered votes cast in this township, both of which we believe to be cast for incumbent. Whole number of votes cast for incumbent, 10.

A. B. BARTLETT, Chairman.

Mr. Wood moved that the report be laid upon the table.

Carried.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That Council Bill No. 1 be recalled from the hands of the Chairman on Enrolled Bills of the Council, if the same is in his possession, and that, if said Bill has passed into the hands of the Governor, that the Governor be requested to return the same to this House.

House Bill No. 54, entitled "An Act to incorporate the Linn County Agricultural Society," was taken up, and

Read a second time, and

Laid over, under the rules.

House Bill No. 45, entitled "An Act regulating Inclosures," was taken up, and

Read a second time, together with the substitute, as reported by the Committee on Agriculture.

Laid over.

Council Bill No. 7, entitled "An Act to regulate the running at large of Swine," was taken up, and

Read a second time, together with the amendments, as recommended by the Committee on Agriculture.

Mr. Fitzpatrick moved that the word "thirty" be struck out, where it appears in the Bill, and insert "sixty."

Carried.

Mr. Nelson moved that the word "most" be struck out in the Bill, which, by general consent, was done.

Mr. Parks moved to defer the whole subject until to-morrow at two o'clock.

Carried.

House Bill No. 40, entitled "An Act to incorporate the Roger Williams University," was taken up,

Read a third time, and,

Upon its final passage, the vote resulted:

Yeas—30. Nays—3.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Morton, Parks, Robertson, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Brooks, Lynde and Nelson.

The title was agreed to.

House Bill No. 43, entitled "An Act to incorporote a Ferry at the City of Eudora," was taken up,

Read a third time, and,

Upon its final passage, the vote resulted:

Yeas—21. Nays—2.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Parks, Robertson, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Lynde and Nelson.

The title was agreed to.

House Bill No. 41, entitled "An Act to incorporate the Fremont Town Company," was taken up.

Read a third time, and

Upon its final passage, the vote stood as follows:

Yeas—21. Nays—2.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, McMath, Parks, Robertson, Shively, Sheldon, Scott, Wagstaff, and Wood.

Those voting in the negative were

Messrs. Lynde and Nelson.

The title was agreed to.

Mr McMath introduced House Bill No. 56, "An Act concerning Mills, Millers and rates of toll."

Referred to Committee on Agriculture.

Mr. Rankin, introduced House Bill No. 57, entitled "An Act

to establish a Territorial Road from Lawrence to Paola, *via* Black Jack."

Referred to Committee on Roads and Highways.

Mr. Morton introduced House Bill No. 58, entitled "An Act to incorporate the Neosho Falls Town Company."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 59, entitled "An Act to establish a certain Territorial Road."

Referred to Committee on Roads and Highways.

Mr. Noel introduced House Bill No. 60, entitled "An Act to incorporate the St. John's Lodge No. 26, of Ancient Free and Accepted Masons."

Referred to Committee on Corporations and Banking.

Mr. Lindsay introduced House Bill No. 61, entitled "An Act to vacate a certain part of the Town Site of Pottawatamie City."

Referred to Committee on Counties, County Seats and County Lines.

Mr. Brooks gave notice that, at some subsequent day, he would introduce a Bill to charter a Ferry across the Arkansas River, at Huerfano.

Mr. Colton gave notice that, on some subsequent day, he would introduce a Bill providing for revenue for 1859; also, "An Act to incorporate the Town of Stanton;" also, "An Act to charter a Ferry across the Marias des Cygnes River, at the Trading Post, in Linn County, K. T."

Mr. Steward gave notice that he would, at an early day, introduce a Bill, "An Act repealing a portion of an Act, entitled 'An Act concerning Lost Goods and Estrays.'"

Mr. Elliott gave notice that he would, at an early day, introduce a Bill to incorporate the Plymouth Town Company."

Mr. McMath gave notice that he would, on some subsequent

day, introduce a Bill to repeal an Act, entitled "An Act to incorporate the Kansas Valley Railroad Company."

On motion of Mr. McMath,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

SATURDAY, January 14, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Prayer by the Rev. Mr. Hutchison.

Roll called.

Absent, Messrs. Brown, Blake, Cornwell, Knowles, Lindsay, Lynde, Murphy, Magill, Parks, Reynolds, Sims, Vanderslice, Whitehead, Wright and Wood.

Journal of yesterday was read and approved.

Mr. Sims asked leave to withdraw his resolution, instructing the Clerk to correct the Journal in reference to the passage of the preamble and joint resolution, relating to an adjournment from Lecompton to Lawrence.

Leave was unanimously granted, and

The resolution withdrawn.

Mr. Davis offered the following:

WHEREAS, Errors exist in the Journals of the House in reference to the passage of the Preamble and Joint Resolution removing the present session of the Legislative Assembly from Lecompton to Lawrence; Therefore,

Resolved, By the House, that a committee of three be appointed by the Speaker to examine the Journal in that behalf, and report to this House the facts in the premises.

Resolution was adopted.

The Speaker appointed Messrs. Wood, Heath and Scott as said Committee.

Mr. Bartlett moved to dispense with the morning orders, and take up the contested election case.

Upon which the yeas and nays were demanded, which resulted as follows:

Yeas—22. Nays—5.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Cornwell, McMath, Parks, Sopris and Wagstaff.

Mr. Scott moved that it be made the special order of Monday at 10 o'clock, A. M.

Mr. Nelson moved to amend by inserting this afternoon at 3 o'clock.

Upon which the yeas and nays were demanded with the following result:

Yeas—17. Nays—10.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Morton, Nelson, Robertson, Steward, Shively, Sheldon and Wood.

Those voting in the negative were

Messrs. Canniff, Cornwell, Lindsay, McMath, Parks, Rankin, Sims, Scott, Sopris and Wagstaff.

Mr. Shively presented a petition from citizens of Franklin county, praying for a change of the county lines of said county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Nelson offered the following resolution, which was received by general consent:

Resolved, That the Sergeant-at-arms be empowered to procure the printing of 50 copies of all bills upon their second reading, at any printing office where the same can be done for Territorial scrip.

Mr. Fitzpatrick moved to lay the resolution upon the table.

Carried.

Mr. Brooks, from Commitee on Corporations and Banking, made the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 34, entitled "An Act supplemental to 'An Act to incorporate and establish the City of Wyandott,'" report the same, without amendment, and recommend its passage.

Also, House Bill No. 33, entitled "An Act to establish and charter a Ferry across the Missouri river, at the City of Wyandott," beg leave to report the same, without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

House Bill No. 33, entitled "An Act to establish and charter a Ferry across the Missouri river, at the City of Wyandott," was taken up, and

Read a second time.

Mr. Lindsay moved that the rules be suspended, and the Bill be read a third time.

Carried.

Mr. Lynde moved that the Bill be laid upon the table.

Carried.

House Bill No. 34, entitled "An Act supplementary to 'An Act to incorporate and establish the City of Wyandott,'" was taken up,

Read second time, and laid over.

Mr. McMath moved that the rules be suspended, and Bill read a third time.

Lost.

House Bill No.45, entitled "An Act supplemental to'An Act regulating Inclosures," was taken up,

Read a third time, and

Passed, as follows :

Yeas—20. Nays—1.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Robertson, Rankin, Sims, Shively, Sheldon, Scott and Wood.

Voting in the negative,

Mr. Wagstaff.

And so the Bill passed.

The title was agreed to.

On motion of Mr. McMath,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Fitzpatrick moved to defer the consideration of Council Bill No. 7 for the space of twenty minutes, and that the House reconsider the vote by which House Bill No. 32 was made the special order of Monday at 2 o'clock.

Carried.

The question recurring upon the motion of Mr. Parks, to make the Bill the special order of Monday at 2 o'clock

Mr. Heath moved to lay the motion upon the table.

Carried.

Message from the Council:

MR. SPEAKER:—I am instructed, by the Council, to inform your Honorable Body that House Bill No. 32, entitled "An Act to charter a Ferry across the Kansas river at Topeka," has passed the Council with the following amendments:

In Sec. 1st, strike out the name of S. L. Munger, and insert the name of Joseph Middaugh; and add to Sec. 1st, at the end thereof, "And no other Ferry shall be established or set up within two miles of said City of Topeka.

In Sec. 2d, strike out, at the end thereof, the words "during the usual business hours," and insert, "at all times, and whenever called upon by citizens, travelers and others.

JOHN J. INGALLS,
Secretary.

Mr. Fitzpatrick moved to take up House Bill No. 32, entitled "An Act to charter a Ferry across the Kansas river at Topeka.

Carried.

Mr. Fitzpatrick moved that the House concur in the amendments of the Council, upon which the yeas and nays were called with the following result:

Yeas—19. Nays—2.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Morton, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott and Wagstaff.

Those voting in the negative were

Messrs. Nelson and Wood.

Council Bill No. 7, "An Act to regulate the running at large of Swine," was taken up, and

Read by sections.

On motion of Mr. Sims, the rules were suspended, and the

Bill read a third time, and

Put upon its final passage.

The vote resulted

Yeas—23. Nays—3.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Heath, Jones, Lynde, Lindsay, McMath, Morton, Nelson, Parks, Robertson, Rankin, Sims, Shively, Sheldon, Scott and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Knowles and Wood.

And so the Bill passed.

The contested election case came up, as the special order of the House.

Mr. Lindsay moved that it be deferred, and made the special order of Monday at 10 o'colck, A. M.

Carried.

Mr. Cornwell asked leave of absence for three days, which was granted.

Mr. Morton gave notice that, on some subsequent day, he would introduce a Bill to change the south boundary line of Butler County.

Mr. Canniff gave notice that, on some subsequent day, he would introduce a Bill declaring a certain road a Territorial road.

Mr. Lynde gave notice that, at an early day, he would introduce a Bill to regulate the interest on money; also, a Bill to amend the Registry Law; also, a Bill to amend the Law on the subject of Roads and Highways.

Mr. Brooks gave notice that, at an early day, he would introduce a Bill to Incorporate the Douglas County Agricultural Society.

Mr. Jones gave notice that he would, on some subsequent day, introduce a Bill providing for the taking up of all kinds of stock at night, during certain months of the year.

Mr. Brooks introduced House Bill No. 62, entitled "An Act to charter a Ferry across the Arkansas river at Huerfano."

Referred to Committee on Corporations and Banking.

Mr. Knowles introduced House Bill No. 63, entitled "An Act to incorporate the Osage Town Company."

Referred to Committee on Corporations and Banking.

Mr. Steward introduced House Bill No. 64, entitled "An Act repealing a portion of an Act entitled 'An Act concerning lost goods and estrays.' "

Referred to Committee on Corporations and Banking.

Mr. Rankin introduced House Bill No. 65, entitled "An Act to establish a Toll Bridge across the Platte river."

Referred to Committee on Corporations and Banking.

Mr. Colton introduced House Bill No. 66, entitled "An Act to charter a Ferry across the Marias des Cygnes river;" also, House Bill No. 67, entitled "An Act to incorporate the town of Stanton."

Referred to Committee on Corporations and Banking.

Mr. Wood introduced House Bill No. 68, entitled "An Act authorizing the collection of Toll on the bridge crossing the Wakarusa river, on the Territorial road from Lawrence to Emporia."

Referred to Committee on Corporations and Banking.

On motion of Mr. Wood,

House Adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

MONDAY, January 16th, 1860.
9 o'CLOCK, A. M.

House called to order by the Speaker.

Prayer by the Rev. Mr. Lum.

Roll called.

Absent, Messrs. Brown, Canniff, Dutton, Heath, Knowles, Murphy, Parks, Reynolds, Sims, Sheldon, Vanderslice, Whitehead, Wright and Wagstaff.

Journal of Saturday was read and approved.

Mr. Parks moved that the House adjourn.

Upon which the yeas and nays were demanded, with the following result:

Yeas—23. Nays—4.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, McMath, Magill, Morton, Noel, Parks, Robertson, Steward, Shively, Scott, Sopris.

Those voting in the negative were

Messrs. Elliott, Lynde, Nelson and Wood.

The motion to adjourn prevailed.

AFTERNOON SESSION.

TWO O'CLOCK.

House called to order by the Speaker.

Mr. Cornwell moved to adjourn.

Upon which the yeas and nays were demanded, with the following result :

Yeas—16. Nays—4.

Those voting in the affirmative were

Messrs. Blake, Cornwell, Cave, Dutton, Fitzpatrick, Lombard, Lindsay, McMath, Magill, Noel, Parks, Steward, Shively, Scott, Wright and Wagstaff.

Those voting in the negative were

Messrs. Elliott, Nelson, Rankin and Wood.

The motion to adjourn, prevailed.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, January 17, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent—Messrs. Brown, Brooks, Heath, Canniff, Lindsay, Murphy, Parks, Sheldon, Sopris and Wagstaff.

Journal of yesterday was read and approved.

The special order being the contested election case. by unanimous consent it was deferred.

Mr. Wood, from the Special Committee appointed to make corrections in the Journal of the House, relative to the adjourn-

ment from Lecompton to Lawrence on the 5th inst., made the following report:

The Select Committee appointed to examine the Journal of this House in reference to the passage of the preamble and joint resolution to adjourn to Lawrence, beg leave to report that they have examined the Journal as directed, and find that errors and omissions exist in the Journals, upon said day, in reference to the passage of the said preamble and joint resolution. We find the facts to be as follows:

JANUARY 5, 1860.

A message was received from the Governor, by his private Secretary relating to the preamble and joint resolution in reference to an adjournment to Lawrence with his objections thereto, which was ordered to be spread upon the Journals of the House.

EXECUTIVE OFFICE, K. T.,
Lecompton, Jan. 5, 1860.

To the House of Representatives:

GENTLEMEN:

I herewith return the Joint Resolution which originated in your House, and passed January 4th, 1860, to adjourn the Legislature, and hold the balance of the present session at the city of Lawrence, with my objections.

Lecompton, where the law requires you to meet, is the Capital of the Territory, and as it is the custom and the law of the Nation, and of all the States and Territories, for the Legislative Assemblies to hold their sessions at their Capitals, there should be some extraordinary reasons for the Territory of Kansas to be made an exception to the general rule. Do extraordinary reasons exist in this case? They generally consist of war, of pestilence, and of famine. Either one of these, or all combined, would be good and proper reasons for a removal, as the safety of the country would require the protection and preservation of the Legislative Authority.

We are at perfect peace with ourselves and all the rest of the world—hence war is not the cause of removal. No town, city or capital was ever more free from pestilence of every kind, than is the Capital of Kansas at this time; and surely no one is starving, for all the substantials which generally fill a good western city table are supplied.

The Preamble to the Resolution, it is true, sets out that there is "at the Capital such a deficiency of suitable rooms, hotel accommodations, and other conveniences, as seriously to interfere with the progress of the Legislative business;" and in the resolution itself, I find "that the Sergaant-at-Arms of the House of Representatives be requested to procure rooms, for the accommodation of said Legislative Assembly, in the said city of Lawrence."

The rooms now occupied by the two houses in this city, are much better than the rooms occupied by the two Houses last session, in Lawrence. They were built for the express purpose of accommodating the sessions of the Legislature, large and comfortable, of easy ingress and egress. Last session, the rooms furnished at Lawrence were so uncomfortable, that both branches of the Legislature had to remove into other buildings before the close of the session. Bad as the rooms were the people of the Territory were taxed over $800 for their use, with back rents for the previous session, of $500 more, making in all, over $1,300. This was put upon the people by way of increased taxation, for a few weeks' use of very uncomfortable accommodations. In your resolution, you give up good and pleasant rooms, and put all your security of getting any at all at Lawrence, in the hands of the Sergeant-at-Arms of your House. Attached to the Legislative Halls here, there are also five convenient rooms for the use of committees, and the convenience of the officers of the two Houses. These are conveniences which no Legislative Assembly has been able to obtain in Lawrence. All these are furnished free of expense to the Territory, out of the Congressional Fund. Wood is provided for fires; and every other necessary expense paid.

In Lecompton, there are four very good hotels, one of which is new, large and convenient to the Legislative Halls. They are not as elegantly kept as the St. Nicholas, but quite as well kept as Western hotels generally, and amply sufficient for a new country. But these things are matters of *taste*, and are, of course, subjects of honest differences of opinion. The term of the Legislature only lasts forty days, and a removal will cost nearly, if not quite, a waste of one-sixth of that time. The Territorial records, law-books and library are here, and the inconveniences of leaving them behind should not be overlooked in the anxiety of getting away. A removal costs a waste of time, a waste of furniture, the danger of a waste of records, to say nothing of the very serious inconvenience to all concerned. These should not be overlooked for the sake of a few days' supposed better living.

If Lecompton is good enough for the Territorial officers to make it their homes all the year round, it is to be hoped that the members of the Legislature may, on reflection; conclude to put up with it for "forty days and forty nights."

I have not been furnished with a copy of the *obligation* said, in your preamble and resolution to be furnished by certain gentlemen of Lawrence, sa a guarantee that the Territorial Legislature shall incur no expense by the removal. I cannot therefore say to whom this guarantee is made payable, o of what legal effect it may be, except that, as stated in your resolution, it is to be filed in "the Secretary of *State's* office." As there is no such office in existence, it can scarcely be of binding force from the mere fact of filing.

As the resolution makes it imperative on the Sergeant-at-Arms, an officer of your House, to procure the rooms, the Legislature will be, in good faith, bound to foot the bills for rent, &c., if the owners of the buildings demand it. This story of no expense is not new, but the end has proved most conclusively that the bills presented and paid, of all characters, by these removals, cost the tax payers many hundreds, if not thousands of dollars.

Admit that the Eldridge House, at Lawrence, is a model Hotel, and Col. Eldridge a model landlord; that this side of Pittsburgh there is scarcely to be found a better kept hotel, but we have a few weeks of sober legislation to perform, many matters of great interest to the people of Kansas to attend to, that will hardly justify us passing over, to gratify our tastes in hunting up the best hotel indulgences.

S. MEDARY.

Mr. Wood moved to reconsider the said preamble and joint resolution.

Which was carried.

On motion of Mr. Heath, the further consideration of the subject was postponed, and made the special order of two o'clock, P. M.

On motion of Mr. Scott,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Nelson called for the special order, being the reconsideration of the preamble and joint resolution in reference to the adjournment to Lawrence, which was taken up.

Mr. Murphy moved a call of the House.

Mr. Nelson moved that the call be dispensed with.

Carried.

The Speaker then announced the question to be, "Shall the preamble and joint resolution pass, the Governor's objections to the contrary notwithstanding," whereupon

Mr. Blake demanded the yeas and nays, which resulted as follows:

Yeas—22. Nays—7.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, McMath, Morton, Nelson, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Lynde, Murphy, Parks, Reynolds, Whitehead, and Wright.

So the preamble and joint resolution, having received a vote of two-thirds of the House, the Speaker declared that they had passed, the Governor's objections to the contrary notwithstanding.

We recommend that the above be adopted and stand as the Journal of January 5, 1860, in reference to the passage of the preamble and joint resolution.

S. N. WOOD, Chairman.

The report was received by the House.

Mr. Sims then moved to take up the report of the Select Committee, in reference to the errors of the Journal, touching the passage of the preamble and joint resolution adjourning from Lecompton to Lawrence; whereupon

The report was taken up by the House, and agreed to, and that it be taken, considered, and held as the true Journal of the House in that behalf.

The special order being the contested election case of J. S. Magill, from the 10th Representative District, it was taken up.

The report of the Committee on Elections in this case was then read again.

Mr. Wood introduced the following resolution:

Resolved, That George G. Pierce be entitled to a seat in this Body, as a Representative from the 10th Representative District, composed of the counties of Washington and Marshall.

Mr. McMath moved to amend by striking out the name of George G. Pierce and inserting the name of James S. Magill.

Mr. Sims moved to lay the resolution with the amendments upon the table.

Carried.

Mr. Lynde offered the following resolution:

Resolved, That George G. Pierce be allowed to be heard at the Bar of this House in defense of his claim to a seat in this Body.

Adopted.

Mr. Morton called for a reading of the testimony in the case, and

It was read by the clerk.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body, that the Council have concurred in the amendment by the House to Council Bill No. 7, entitled "An Act to regulate the running at large of Swine."

JOHN J. INGALLS, Secretary.

On motion of Mr. Wood,

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK.

Mr. Lynde, by unanimous consent, submitted the following report from the Committee on Enrolled Bills:

The Committee on Enrolled Bills, have examined House Bill No. 18, entitled "An Act to legalize the acts of M. M. Flory;" also, House Bill No. 6, entitled "An Act to incorporate the Iola Town Company," and find them correctly enrolled.

CHARLES SIMS, Chairman.

The contested election case of J. S. Magill was resumed, and the testimony in the case considered by the House, and argued at length.

On motion of Mr. Morton, the resolution of Mr. Wood, in relation to the contested seat, was taken from the table, in connection with the amendment, as submitted by Mr. McMath.

Mr. Wood moved to lay the amendment of Mr. McMath upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—11. Nays—16.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Morton, Robertson, Shively and Wood.

Those voting in the negative were

Messrs. Blake, Chandler, Cornwell, Cave, Dutton, Lombard, Lindsay, McMath, Noel, Nelson, Reynolds, Steward, Sims, Scott, Wright and Wagstaff.

So the motion to lay the amendment upon the table was lost.

On motion of Mr. Morton,

The House adjourned until 7 o'clock this evening.

EVENING SESSION.

7 O'CLOCK.

House met pursuant to adjournment.

P. H. Berkau appeared, and was sworn in as Assistant Enrolling Clerk, and entered upon the discharge of the duties of his office.

Mr. Nelson moved to adjourn.

Lost.

Mr. Nelson moved a call of the House.

Mr. Wood moved to lay the motion upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—11. Nays—12.

Those voting in the affirmative were

Messrs. Brooks, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Morton, Rankin, Shively and Wood.

Those voting in the negative were

Messrs. Blake, Cornwell, Cave, Lombard, Lindsay, McMath, Magill, Noel, Nelson, Reynolds, Scott and Wright.

And so the motion to lay upon the table was lost.

The question recurring upon the motion of Mr. Nelson, it was agreed to.

The Clerk proceeded to call the roll, which being done,

The Sergeant-at-Arms was directed to bring in the absentees.

On motion of Mr. McMath, further proceedings under the call were dispensed with.

The special order of business being the consideration of the contested election case, it was resumed.

Mr. Rankin called for the reading of the amendment offered by Mr. McMath, and the resolution, as offered by Mr. Wood, which was

Read by the Clerk.

Mr. Scott moved that the House adjourn.

Upon which the yeas and nays were demanded, with the following result:

Yeas—19. Nays—9.

Those voting in the affirmative were

Messrs. Blake, Brooks, Cornwell, Fitzpatrick, Heath, Knowles, Lindsay, McMath, Noel, Nelson, Parks, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris and Wright.

Those voting in the negative were

Messrs. Bartlett, Cave, Elliott, Jones, Lynde, Morton, Wagstaff and Wood.

So the motion to adjourn prevailed.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, January 18, 1860. }
9 o'clock, A. M. }

House called to order by the Clerk, the Speaker being absent.

On motion of Mr. Jones, Mr. Lynde was elected Speaker, *pro tem.*

Roll called.

Absent, were Messrs. Brown, Murphy, Parks, Reynolds, Vanderslice and Whitehead.

Journal of yesterday read and approved.

On motion of Mr. Bartlett, the morning orders were dispensed with, and

Mr. Scott allowed to introduce the following concurrent resolution:

WHEREAS, The Secretary of the Territory has obstinately refused to cooperate with the Legislative Assembly now in session at Lawrence; has refused to supply the books, documents, stationery, printing, &c., which are absolutely necessary to the progress of Legislation, and has, by such means, rendered it impossible to conduct the legitimate business of this body, without throwing additional and unnecessary expense upon the people of the Territory, therefore,

Resolved, By the House of Representatives, the Council concurring, That the Legislative Assembly of Kansas Territory do, at 12 o'clock, M.; this 18th day of January, A. D., 1860, adjourn *sine die*, and that a committee of one on the part of the Council, and two on the part of the House, be appointed to inform His Excellency, the Governor, of the passage of the foregoing resolution.

Mr. Wood moved that the rules be suspended in order that the House might consider the resolution, as offered by Mr. Scott.

Carried.

Mr. Wood moved the adoption of the resolution,

Upon which the yeas and nays were demanded, with the following result:

Yeas—33. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Magill, Morton, Noel, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wright, Wagstaff and Wood.

In the negative,

Mr. McMath.

The special order being the contested election case, it was resumed.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body that the Council have concurred in the resolution of the House in reference to the adjournment, with the following amendment, in which your concurrence is respectfully solicited:

Strike out the last resolution, and read as follows:

Resolved, That a committee of one on the part of the Council, and two on the part of the House, be appointed to inform His Excellency, the Governor, of the passage of the foregoing resolution.

JOHN J. INGALLS,
Secretary.

Mr. Sims moved that the House concur in the amendment of the Council.

Agreed to.

The Chair appointed as Committee on part of the House, Messrs. Sopris and Rankin.

Mr. Blake moved the postponement of the election case, upon which

Mr. Nelson moved the previous question.

The yeas and nays were demanded, with the following result:

Yeas—15. Nays—15.

Those voting in the affirmative were

Messrs. Blake, Brooks, Cornwell, Cave, Dutton, Lombard, McMath, Noel, Nelson, Parks, Reynolds, Sims, Sopris, Wright and Wagstaff.

Those voting in the negative,

Messrs Bartlett, Chandler, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Robertson, Rankin, Steward, Shively, Sheldon and Wood.

There being a tie, the Speaker voted in the negative.

And so the call for the previous question was not sustained.

The question recurring upon the motion of Mr. Blake, for the indefinite postponement of the whole subject,

Mr. Wood moved to lay the motion upon the the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—19. Nays—11.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton Robertson, Rankin, Stewart, Shively, Sheldon, Sopris and Wood.

Those voting in the negative were

Messrs. Blake, Cornwell, Lombard, McMath, Noel, Nelson, Parks, Reynolds, Sims, Wright and Wagstaff.

So the motion to lay upon the table prevailed.

Mr. Lynde moved the previous question, upon which the yeas and nays were demanded, with the following result:

Yeas—27. Nays—3.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Morton, Noel, Nelson, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Wright, Wagstaff and Wood.

Those voting in the negative were

Messrs. McMath, Parks and Sopris.

The question being upon the amendment of Mr. McMath to the resolution, as submitted by Mr. Wood, the yeas and nays were demanded, with the following result:

Yeas—11. Nays—18.

Those voting for the amendment were

Messrs. Blake, Cornwell, Lombard, McMath, Noel, Parks, Reynolds, Sims, Sopris, Wright and Wagstaff.

Those voting against the amendment were

Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Shively, Scott and Wood.

The question recurring upon the resolution offered by Mr. Wood,

The yeas and nays were demanded with the following result:

Yeas—17. Nays—12.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Robertson, Rankin, Stewart, Shively, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Cornwell, Lombard, McMath, Noel, Nelson, Parks, Reynolds, Sims, Sopris, Wright and Wagstaff.

So the resolution was adopted.

Mr. Pierce then came forward, and, being sworn in, entered upon the discharge of his duties as a member of the House.

Mr. McMath moved that the lobby be cleared.

Mr. Wood moved that the motion be laid upon the table.

Lost.

The question being upon the motion of Mr. McMath to clear the lobby, the motion prevailed.

Mr. Sims moved that a correct copy of the journal be made out by the Clerk, from the commencement of the present session, to be certified to by him and the Speaker of the House, for publication.

Carried.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That five dollars per day be allowed to each Clerk of the House and assistant clerks, not paid by the General Government; and three dollars per day to the Messenger, during the time for which they were employed in the service of the House.

Mr. Scott, by unanimous consent, offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of the House be empowered to procure a conveyance for the Joint Committee appointed to wait upon the Governor.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House of the passage, by the Council, of Council Bill No. 37, entitled "An Act appropriating money for the pay of Clerk hire and other expenses of the session of the Legislature, for the year 1860, for the Council. Your concurrence is respectfully solicited.

JOHN J. INGALLS,
Secretary.

Referred to Committee on Accounts.

Mr. Lynde moved that the Committee on Accounts be directed to examine the accounts and mileage of the Members, and report immediately.

Carried.

The Committee proceeded to examine accounts, and reported as follows:

The Committee on Accounts, to whom was referred the accounts of the members of the House of Representatives, for mileage and per diem for the present session of the Legislature, commencing on the 2d day of January, A. D. 1860, beg leave to report that they find the following accounts correct, and recommend their allowance, to-wit:

P. G. D. Morton,	280	miles and 17 days	attendance.
O. H. Sheldon,	116	do.	do.
Mr. Elliott,	174	do.	do.
Thomas Lindsay,	150	do.	do.
L. S. Cornwell,	90	do.	do.
R. Sopris,	1574	do.	do.
S. Parks,	108	do.	do.
William L. McMath,	110	do.	do.
William Noel,	122	do.	do.
E. Lynde,	60	do.	do.
S. R. Canniff,	72	do.	do.
E. Heath,	12	do.	do.
B. Steward,	40	do.	do.
W. B. Rankin,	66	do.	do.
S. N. Wood,	200	do.	do.
F. Lombard,	126	do.	do.
W. R. Wagstaff,	120	do.	do.
Charles Sims,	100	do.	do.
Geo. G. Pierce,	240	do.	do.
H. R. Dutton,	180	do.	do.
P. R. Brooks,	30	do.	do.
George Nelson,	180	do.	do.
Hugh Robertson,	114	do.	do.
W. G. Fitzpatrick,	45	do.	do.
Daniel Chandler,	160	do.	do.
James H. Jones,	160	do.	do.
James S. Magill,	240	do.	do.
S. A. Blake,	60	do.	do.
Robert Reynolds,	180	do.	do.
Horatio Knowles,	240	do.	do.
Henry Shively,	100	do.	do.
John Wright,	70	do.	do.
John W. Scott,	200	do.	do.
G. A. Colton,	120	do.	do.
Amasa Bartlett,	140	do.	do.
Morton Cave,	180	do.	do.
S. J. Vanderslice,	132	do.	do.
C. B. Whitehead,	114	do.	do.

G. C. Murphy,	94 miles, and	17 days	attendance.
Frederick Brown,	94	do.	do.
M. W. Delahay, Chief Clerk,		do.	do.
A. J. Chipman, Ass't Clerk,		do.	do.
G. F. Warren, Sergeant-at-Arms,		do.	do.
Francis House, Door-keeper,		do.	do.

P. G. D. MORTON, Chairman.

The report was adopted.

Mr. Parks offered the following protest, which was ordered to be spread upon the Journal of the House:

We, the undersigned members of the House do hereby solemnly protest against the action of a majority of this House, in declaring that George G. Pierce is entitled to the seat in the House to which James S. Magill was fairly and legally elected, by a majority of the legal and qualified voters of the District composed of the Counties of Marshall and Washington:

First, for the reason that the law did not sustain the contestant; 2d, that the evidence was adverse to the contestant; 3d, that the proper notices, etc., were informal and not legal, in performance of law.

We do hereby desire that this, our protest, be spread upon the Journal of this House.

F. A. BLAKE, ROBERT REYNOLDS,
W. L. McMATH, F. LOMBARD,
P. S. PARKS, JOHN WRIGHT,
WILLIAM NOEL.

Mr. Wood offered the following protest, which was spread upon the Journal, by general consent:

I, the undersigned, do hereby protest against the action of the minority of this House, in voting to keep a man in a seat in this House, who was elected by fraud, and in violaton of the laws of this Territory, the proof being conclusive, that the contestant, George G. Pierce, was entitled to the seat, and not J. S. Magill, and I hereby ask that this, my solemn protest, may be spread upon the Journal of this House.

Mr. Lynde offered the following, which was adopted:

Resolved, That the thanks of this House be tendered to all the officers of this House, for the able and impartial manner in which they have discharged their duties.

On motion of Mr. Wood, the thanks of the House were re-

turned to theSpeaker, for the able, impartial and courteous manner in which he has presided during this session.

The hour of 12 o'clock having arrived, that being the hour set apart to adjourn, the Speaker declared the House adjourned, *sine die*.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.